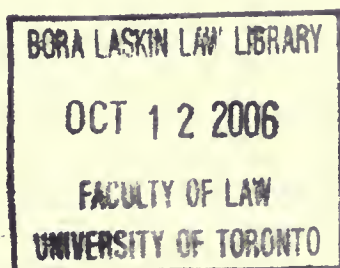


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2003—01—25

ONTARIO REGULATION 1/03

made under the

EDUCATION ACT

Made: December 18, 2002

Filed: January 7, 2003

Amending O. Reg. 99/02

(Teacher Performance Appraisal)

Note: Ontario Regulation 99/02 has not previously been amended.

1. Ontario Regulation 99/02 is amended by adding the following immediately before section 1:

PART I GENERAL

2. Section 10 of the Regulation is revoked and the following substituted:

PART II PROVINCIAL SCHOOLS AND DEMONSTRATION SCHOOLS

Provincial schools

10. (1) Part X.2 of the Act, Part I of this Regulation, the other regulations under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, apply to schools established or continued under subsection 13 (1), (2) or (4) of the Act and to schools operated by a ministry under the *Provincial Schools Negotiations Act*, subject to such modifications as the circumstances require, including the modifications set out in this section.

(2) If a teacher employed by a board is seconded to a school referred to in subsection (1), subsection (1) does not apply to the teacher unless Part X.2 of the Act applies to the board.

(3) Despite subsection 277.15 (1) of the Act and subsection 1 (3) of this Regulation, in Part X.2 of the Act, Part I of this Regulation, the other regulations under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, unless the context requires otherwise,

- (a) a reference to a board shall be deemed to be a reference to the Provincial Schools Authority;
- (b) a reference to the designated bargaining agent for a teachers' bargaining unit shall be deemed to be a reference to the bargaining agent referred to in subsection 5 (4) of the *Provincial Schools Negotiations Act*;
- (c) a reference to a teacher shall be deemed to be a reference to a teacher as defined in section 1 of the *Provincial Schools Negotiations Act*, other than a continuing education teacher;
- (d) a reference to a teachers' bargaining unit shall be deemed to be a reference to the bargaining unit referred to in subsection 5 (2) of the *Provincial Schools Negotiations Act*;
- (e) a reference to a director of education for a board shall be deemed to be a reference to the chair of the Provincial Schools Authority;

(f) a reference to a school council shall be deemed to be a reference to any body that acts in a capacity similar to a school council; and

(g) a reference to a special education advisory committee shall be deemed to be a reference to any body that acts in a capacity similar to a special education advisory committee.

(4) Subsections 277.15 (2) and (3) and sections 277.24 to 277.27 of the Act have no application to the schools referred to in subsection (1).

(5) Despite subsections 277.29 (1) and (2) of the Act, for the purposes of section 277.29 of the Act,

(a) a teacher shall be considered to be new to the Provincial Schools Authority during the 24-month period following his or her being hired as a teacher by the Authority, if the teacher was not employed by the Authority as a teacher immediately before being hired;

(b) a teacher shall be considered to be new to the profession during the 24-month period following his or her being hired by the Provincial Schools Authority or a board, if the teacher has never been,

(i) employed as a teacher by a board,

(ii) employed as a teacher by the Provincial Schools Authority, or

(iii) employed as a teacher in connection with a demonstration school established or continued under section 13 of the Act; and

(c) a teacher shall not be considered new to the Provincial Schools Authority if the teacher is seconded from a board to the Authority and is not new to the board within the meaning of subsection 277.29 (1) of the Act.

(6) Subsection 5 (1) of this Regulation permits, but does not require, the Provincial Schools Authority to develop an annual written parent survey with respect to schools operated under the *Provincial Schools Negotiations Act* by a person or body other than the Ministry.

(7) Subsections (3) to (6) apply only for the purposes of subsection (1).

Demonstration schools

11. (1) Part X.2 of the Act, Part I of this Regulation, the other regulations made under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, apply to the demonstration schools established under clause 13 (5) (a) of the Act, subject to such modifications as the circumstances require, including the modifications set out in this section.

(2) If a teacher employed by a board is seconded to a school referred to in subsection (1), subsection (1) does not apply to the teacher unless Part X.2 of the Act applies to the board.

(3) Despite subsection 277.15 (1) of the Act and subsection 1 (3) of this Regulation, in Part X.2 of the Act, Part I of this Regulation, the other regulations under Part X.2 of the Act, and the guidelines, rules and policies under Part X.2 of the Act, unless the context requires otherwise,

- (a) a reference to a board shall be deemed to be a reference to the Ministry;
- (b) a reference to a teacher employed by a board shall be deemed to be a reference to a teacher employed by a board and seconded to a school referred to in subsection (1);
- (c) a reference to a school council shall be deemed to be a reference to any body that acts in a capacity similar to a school council; and
- (d) a reference to a special education advisory committee shall be deemed to be a reference to the Learning Disabilities Association of Ontario.

(4) Clauses (3) (a) and (b) do not apply to the following provisions with respect to a teacher that is employed by a board and seconded to a school referred to in subsection (1):

- 1. Subsections 277.28 (1) and (3) of the Act.
- 2. Section 277.29 of the Act.
- 3. Sections 277.42, 277.43 and 277.44 of the Act.
- 4. Section 2 of Ontario Regulation 98/02 (Teacher Learning Plans).
- (5) Despite subsections 277.15 (5) and (6) of the Act,
- (a) nothing in Part X.2 of the Act, or any regulation, guideline, policy or rule under that Part, shall be interpreted to limit rights otherwise available to the Ministry or a board relating to discipline of any teacher, including but not limited to rights relating to reassignment of duties, suspension or termination of the employment of the teacher, whether or not a performance appraisal process relating to the teacher is being conducted under that Part; and
- (b) nothing in Part X.2 of the Act, or any regulation, guideline, policy or rule under it, shall be interpreted to limit the Ministry's ability or a board's ability to complete a performance appraisal of a teacher begun before that Part begins to apply to the Ministry, board or teacher, or to follow any process or take any action relating to that performance appraisal that the Ministry or board might have followed or taken but for that Part.

(6) Despite subsection 277.18 (3) of the Act, in the circumstances described in clause 277.18 (1) (b) of the Act, where no other supervisory officer employed by the Ministry is able to perform the duty and exercise the power in a timely way, because of absence or for some other reason, a supervisory officer employed by a board may, by arrangement between the Ministry and the board, perform the duty and exercise the power.

(7) Despite clauses 277.21 (1) (b) and (4) (b) of the Act, the Lieutenant Governor in Council may make regulations in relation to Part X.2 of the Act establishing rules to apply where a board seconds a teacher to the Ministry, and the regulations may assign responsibilities under that Part as between the seconding board and the Ministry.

(8) Sections 277.24 to 277.27 and 277.35 to 277.41 of the Act have no application to the schools referred to in subsection (1).

(9) Subsections (3) to (8) apply only for the purposes of subsection (1).

3. This Regulation comes into force on September 1, 2003.

RÈGLEMENT DE L'ONTARIO 1/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 18 décembre 2002
déposé le 7 janvier 2003

modifiant le Règl. de l'Ont. 99/02
(Évaluation du rendement des enseignants)

Remarque : Le Règlement de l'Ontario 99/02 n'a pas été modifié antérieurement.

1. Le Règlement de l'Ontario 99/02 est modifié par adjonction de l'intertitre suivant immédiatement avant l'article 1 :

PARTIE I DISPOSITIONS GÉNÉRALES

2. L'article 10 du Règlement est abrogé et remplacé par ce qui suit :

PARTIE II ÉCOLES PROVINCIALES ET ÉCOLES D'APPLICATION

Écoles provinciales

10. (1) La partie X.2 de la Loi, la partie 1 du présent règlement, les autres règlements pris en application de la partie X.2 de la Loi et les lignes directrices données et les règles et les politiques établies en application de celle-ci s'appliquent aux écoles ouvertes ou maintenues en vertu du paragraphe 13 (1), (2) ou (4) de la Loi et aux écoles qui relèvent d'un ministère en application de la *Loi sur la négociation collective dans les écoles provinciales*, sous réserve des adaptations nécessaires, y compris les adaptations énoncées dans le présent article.

(2) Si un enseignant employé par un conseil est détaché auprès d'une école visée au paragraphe (1), ce dernier ne s'applique à l'enseignant que si la partie X.2 de la Loi s'applique au conseil.

(3) Malgré le paragraphe 277.15 (1) de la Loi et le paragraphe 1 (3) du présent règlement, dans la partie X.2 de la Loi, la partie 1 du présent règlement, les autres règlements pris en application de la partie X.2 de la Loi et les lignes directrices données et les règles et les politiques établies en application de celle-ci, sauf indication contraire du contexte :

- a) la mention d'un conseil est réputée une mention de l'Administration des écoles provinciales;
- b) la mention de l'agent négociateur désigné d'une unité de négociation d'enseignants est réputée une mention de l'agent négociateur visé au paragraphe 5 (4) de la *Loi sur la négociation collective dans les écoles provinciales*;
- c) la mention d'un enseignant est réputée une mention d'un enseignant au sens de l'article 1 de la *Loi sur la négociation collective dans les écoles provinciales*, exception faite d'un enseignant de l'éducation permanente;
- d) la mention d'une unité de négociation d'enseignants est réputée une mention de l'unité de négociation visée au paragraphe 5 (2) de la *Loi sur la négociation collective dans les écoles provinciales*;
- e) la mention d'un directeur de l'éducation d'un conseil est réputée une mention du président de l'Administration des écoles provinciales;

c) la mention d'un conseil d'école est réputée une mention d'un organisme qui remplit des fonctions analogues à celles d'un tel conseil;

g) la mention d'un comité consultatif pour l'enfance en difficulté est réputée une mention d'un organisme qui remplit des fonctions analogues à celles d'un tel comité.

(4) Les paragraphes 277.15 (2) et (3) et les articles 277.24 à 277.27 de la Loi ne s'appliquent pas aux écoles visées au paragraphe (1).

(5) Malgré les paragraphes 277.29 (1) et (2) de la Loi, pour l'application de l'article 277.29 de la Loi :

a) un enseignant est considéré comme un nouvel enseignant de l'Administration des écoles provinciales pendant la période de 24 mois qui suit son engagement comme enseignant de l'Administration, s'il n'était pas employé par elle comme enseignant immédiatement avant d'être engagé;

b) un enseignant est considéré comme un débutant dans la profession pendant la période de 24 mois qui suit son engagement par l'Administration des écoles provinciales ou un conseil, s'il n'a jamais été employé en tant qu'enseignant :

(i) soit par un conseil,

(ii) soit par l'Administration des écoles provinciales,

(iii) soit en ce qui concerne une école d'application ouverte ou maintenue en vertu de l'article 13 de la Loi;

c) l'enseignant qui n'est pas un nouvel enseignant d'un conseil au sens du paragraphe 277.29 (1) de la Loi ne devient pas un nouvel enseignant de l'Administration des écoles provinciales s'il est détaché du conseil auprès de l'Administration.

(6) Le paragraphe 5 (1) du présent règlement autorise, sans l'exiger, l'élaboration par l'Administration des écoles provinciales d'un sondage écrit annuel des parents en ce qui concerne les écoles que fait fonctionner une personne ou un organisme autre que le ministère en application de la *Loi sur la négociation collective dans les écoles provinciales*.

(7) Les paragraphes (3) à (6) s'appliquent uniquement dans le cadre du paragraphe (1).

Écoles d'application

11. (1) La partie X.2 de la Loi, la partie I du présent règlement, les autres règlements pris en application de la partie X.2 de la Loi et les lignes directrices données et les règles et les politiques établies en application de celle-ci s'appliquent aux écoles d'application ouvertes en vertu de l'alinéa 13 (5) a) de la Loi, sous réserve des adaptations nécessaires, y compris les adaptations énoncées dans le présent article.

(2) Si un enseignant employé par un conseil est détaché auprès d'une école visée au paragraphe (1), ce dernier ne s'applique à l'enseignant que si la partie X.2 de la Loi s'applique au conseil.

(3) Malgré le paragraphe 277.15 (1) de la Loi et le paragraphe 1 (3) du présent règlement, dans la partie X.2 de la Loi, la partie I du présent règlement, les autres règlements pris en application de la partie X.2 de la Loi et les lignes directrices données et les règles et les politiques établies en application de celle-ci, sauf indication contraire du contexte :

a) la mention d'un conseil est réputée une mention du ministère;

b) la mention d'un enseignant employé par un conseil est réputée une mention d'un enseignant employé par un conseil et détaché auprès d'une école visée au paragraphe (1);

c) la mention d'un conseil d'école est réputée une mention d'un organisme qui remplit des fonctions analogues à celles d'un tel conseil;

d) la mention d'un comité consultatif pour l'enfance en difficulté est réputée une mention de l'Association Troubles d'Apprentissage Ontario.

(4) Les alinéas (3) a) et b) ne s'appliquent pas aux dispositions suivantes à l'égard d'un enseignant qui est employé par un conseil et détaché auprès d'une école visée au paragraphe (1) :

1. Les paragraphes 277.28 (1) et (3) de la Loi.

2. L'article 277.29 de la Loi.

3. Les articles 277.42, 277.43 et 277.44 de la Loi.

4. L'article 2 du Règlement de l'Ontario 98/02 (Plans de perfectionnement des enseignants).

(5) Malgré les paragraphes 277.15 (5) et (6) de la Loi :

a) ni la partie X.2 de la Loi, ni les règlements pris, les lignes directrices données et les règles et les politiques établies en application de celle-ci n'ont pour effet de limiter les droits dont jouit par ailleurs le ministère ou un conseil en ce qui concerne les mesures disciplinaires qu'il peut imposer à un enseignant, notamment les droits concernant son affectation à d'autres fonctions, sa suspension ou la cessation de son emploi, qu'une évaluation du rendement le concernant soit ou non effectuée en application de cette partie;

b) ni la partie X.2 de la Loi, ni les règlements pris, les lignes directrices données et les règles et les politiques établies en application de celle-ci n'ont pour effet de limiter la capacité du ministère ou d'un conseil d'achever une évaluation du rendement d'un enseignant commencée avant que cette partie ne devienne applicable à ce ministère, à ce conseil ou à cet enseignant, ou de suivre le processus qu'il aurait suivi ou de prendre les mesures qu'il aurait prises en ce qui concerne cette évaluation du rendement en l'absence de cette partie.

(6) Malgré le paragraphe 277.18 (3) de la Loi, dans les circonstances visées à l'alinéa 277.18 (1) b) de la Loi, si aucun autre agent de supervision employé par le ministère n'est en mesure d'exercer les fonctions et pouvoirs de façon opportune, pour cause d'absence ou autre, un agent de supervision employé par un conseil peut les exercer par arrangement entre le ministère et le conseil.

(7) Malgré les alinéas 277.21 (1) b) et (4) b) de la Loi, le lieutenant-gouverneur en conseil peut, par règlement concernant la partie X.2 de la Loi, établir des règles qui s'appliquent si un conseil détache un enseignant auprès du ministère et répartir les responsabilités prévues par cette partie entre le conseil qui détache l'enseignant et le ministère.

(8) Les articles 277.24 à 277.27 et 277.35 à 277.41 de la Loi ne s'appliquent pas aux écoles visées au paragraphe (1).

(9) Les paragraphes (3) à (8) s'appliquent uniquement dans le cadre du paragraphe (1).

3. Le présent règlement entre en vigueur le 1^{er} septembre 2003.

ONTARIO REGULATION 2/03

made under the

ONTARIO NEW HOME WARRANTIES PLAN ACT

Made: November 28, 2002

Filed: January 8, 2003

Amending Reg. 892 of R.R.O. 1990

(Administration of the Plan)

Note: Since the end of 2001, Regulation 892 has been amended by Ontario Regulation 142/02. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. Subsections 6 (1) and (2) of Regulation 892 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

(1) In the case of a home of a type referred to in clause (a) or (b) of the definition of "home" in section 1 of the Act, the maximum amount payable to a person out of the guarantee fund in respect of a claim under subsection 14 (1) or (2) of the Act is,

- (a) \$20,000 in respect of a claim in relation to a purchase agreement, or a construction contract, entered into before February 1, 2003; or
- (b) \$40,000 in respect of a claim in relation to a purchase agreement, or a construction contract, entered into on or after February 1, 2003.

(2) In the case of a home that is a condominium dwelling unit, the maximum amount payable to a person out of the guarantee fund in respect of a claim under subsection 14 (1) of the Act is \$20,000, plus the amount of interest that has accrued, until the time of payment, on the net principal amount payable out of the guarantee fund in respect of the claim.

(2.1) In subsection (2),

"net principal amount" means the lesser of,

- (a) \$20,000, and
- (b) the amount of deposit paid by the person to a vendor as a credit towards the purchase price under the contract on closing minus amounts required to be deducted from the deposit amount under subsection 14 (6) of the Act.

2. This Regulation comes into force on February 1, 2003.

ONTARIO NEW HOME WARRANTY PROGRAM:

GREGORY W. GEE
President and CEO

ALEX J. NATTERS
Vice President Finance

Confirmed by the members in accordance with the *Corporations Act* on November 28, 2002.

GREGORY W. GEE
President and CEO

ALEX J. NATTERS
Vice President Finance

RÈGLEMENT DE L'ONTARIO 2/03

pris en application de la

LOI SUR LE RÉGIME DE GARANTIES DES LOGEMENTS NEUFS DE L'ONTARIO

pris le 28 novembre 2002

déposé le 8 janvier 2003

modifiant le Règl. 892 des R.R.O. de 1990

(Administration du régime)

Remarque : Depuis la fin de 2001, le Règlement 892 a été modifié par le Règlement de l'Ontario 142/02. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 19 janvier 2002.

1. Les paragraphes 6 (1) et (2) du Règlement 892 des Règlements refondus de l'Ontario de 1990 sont abrogés et remplacés par ce qui suit :

(1) Dans le cas d'un logement d'un genre visé à l'alinéa a) ou b) de la définition de «logement» à l'article 1 de la Loi, le montant maximal payable à une personne par prélèvement sur le fonds de garantie pour une réclamation présentée en vertu du paragraphe 14 (1) ou (2) de la Loi est :

- a) de 20 000 \$, pour une réclamation relative à une convention d'achat ou à un contrat de construction conclus avant le 1^{er} février 2003;
- b) de 40 000 \$, pour une réclamation relative à une convention d'achat ou à un contrat de construction conclus le 1^{er} février 2003 ou par la suite.

(2) Dans le cas d'un logement qui est une unité condominiale d'habitation, le montant maximal payable à une personne par prélèvement sur le fonds de garantie pour une réclamation présentée en vertu du paragraphe 14 (1) de la Loi est de 20 000 \$, plus le montant des intérêts accumulés jusqu'au moment du paiement sur le capital net payable par prélèvement sur le fonds de garantie pour la réclamation.

(2.1) La définition qui suit s'applique au paragraphe (2).

«capital net» Le moindre des montants suivants :

- a) 20 000 \$;
- b) le montant du dépôt payé par la personne à un vendeur à titre de crédit à l'égard du prix d'achat prévu au contrat au moment de la conclusion moins les montants que le paragraphe 14 (6) de la Loi exige de déduire du montant du dépôt.

2. Le présent règlement entre en vigueur le 1^{er} février 2003.

ONTARIO NEW HOME WARRANTY PROGRAM :

GREGORY W. GEE
Président et chef de la direction

ALEX J. NATTERS
Vice-président, Finances

Ratifié par les membres conformément à la *Loi sur les personnes morales* le 28 novembre 2002.

GREGORY W. GEE
Président et chef de la direction

ALEX J. NATTERS
Vice-président, Finances

4/03

ONTARIO REGULATION 3/03

made under the

MUNCIPAL ELECTIONS ACT, 1996

Made: January 8, 2003

Filed: January 9, 2003

MUNICIPAL QUESTION — KAWARTHA LAKES

Mandatory question

1. The clerk of The Corporation of the City of Kawartha Lakes shall submit the following question to the electors of the City at the 2003 regular election:

Are you in favour of a return to the previous municipal model of government with an upper-tier municipality and 16 lower-tier municipalities?

Yes

No

CHRIS HODGSON

Minister of Municipal Affairs and Housing

Dated on January 8, 2003.

4/03

ONTARIO REGULATION 4/03

made under the

ENVIRONMENTAL ASSESSMENT ACT

Made: December 11, 2002

Filed: January 9, 2003

**DESIGNATION — RECYCLING SPECIALTIES INC.
LANDFILL SITE**

Definition

1. In this Regulation,

“Recycling Specialties Inc. site” means the North Half of Lot 29, Concession 10, Township of Smith-Ennismore-Lakefield in the County of Peterborough.

Designation of landfill

2. Any enterprise or activity of establishing or operating a landfill at the Recycling Specialties Inc. site is defined as a major commercial business enterprise or activity, and is designated as an undertaking to which the Act applies.

4/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—02—01

ONTARIO REGULATION 5/03

made under the

LAND REGISTRATION REFORM ACT

Made: December 12, 2001

Filed: January 13, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2001, Ontario Regulation 16/99 has been amended by Ontario Regulations 44/02, 111/02, 164/02, 218/02, 219/02, 272/02, 310/02, 344/02 and 345/02. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Lanark (No. 27)	January 13, 2003

NORMAN W. STERLING

Minister of Consumer and Business Services

Dated on December 12, 2001.

5/03

ONTARIO REGULATION 6/03

made under the

LAND REGISTRATION REFORM ACT

Made: December 12, 2001

Filed: January 13, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2001, Ontario Regulation 16/99 has been amended by Ontario Regulations 44/02, 111/02, 164/02, 218/02, 219/02, 272/02, 310/02, 344/02, 345/02 and 5/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Renfrew (No. 99)	January 13, 2003

NORMAN W. STERLING

Minister of Consumer and Business Services

Dated on December 12, 2001.

5/03

ONTARIO REGULATION 7/03

made under the

LAND REGISTRATION REFORM ACT

Made: December 12, 2001

Filed: January 13, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2001, Ontario Regulation 16/99 has been amended by Ontario Regulations 44/02, 111/02, 164/02, 218/02, 219/02, 272/02, 310/02, 344/02, 345/02, 5/03 and 6/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Russell (No. 50)	January 13, 2003

NORMAN W. STERLING

Minister of Consumer and Business Services

Dated on December 12, 2001.

5/03

ONTARIO REGULATION 8/03

made under the

HIGHWAY TRAFFIC ACT

Made: January 16, 2003

Filed: January 17, 2003

LOCAL MUNICIPALITIES WHERE 80 KILOMETRES PER HOUR SPEED LIMIT APPLIES

Application of 80 km/hr speed limit

1. The local municipalities listed in the Table are prescribed for the purpose of clause 128 (1) (b) of the Act.

Commencement

2. This Regulation comes into force on the later of the day it is filed and January 1, 2003.

TABLE

Addington Highlands
Adelaide-Metcalf
Adjala-Tosorontio
Admaston/Bromley
Albion

Alfred and Plantagenet
 Algonquin Highlands
 Alnwick-Haldimand
 Amaranth
 Armour
 Armstrong
 Arran-Elderslie
 Ashfield-Colborne-Wawanosh
 Asphodel-Norwood
 Assiginack
 Athens
 Atikokan
 Augusta
 Baldwin
 Barrie Island
 Bathurst Burgess Sherbrooke
 Bayham
 Beckwith
 Billings
 Black River-Matheson
 Blandford-Blenheim
 Bonfield
 Bonnechere Valley
 Brethour
 Brock
 Brockton
 Brooke-Alvinston
 Brudenell, Lynoch and Raglan
 Burpee and Mills
 Callander
 Calvin
 Carling
 Carlow/Mayo
 Casey
 Cavan-Millbrook-North Monaghan
 Central Elgin
 Central Frontenac
 Central Huron
 Central Manitoulin
 Centre Hastings
 Centre Wellington
 Chamberlain
 Champlain
 Chapleau
 Chapple
 Chatsworth
 Chisholm
 Clearview
 Cockburn Island
 Coleman
 Conmee
 Cramahe
 Dawn-Euphemia
 Dawson
 Dorion
 Douro-Dummer
 Drummond-North Elmsley
 Dubreuilville
 Dutton-Dunwich
 Dymond
 Dysart et al
 Ear Falls
 East Ferris
 East Garafraxa
 East Hawkesbury
 East Luther Grand Valley
 East Zorra-Tavistock
 Edwardsburgh/Cardinal
 Elizabethtown-Kitley
 Emo
 Enniskillen

Essa
 Evanturel
 Faraday
 Fauquier-Strickland
 Front of Yonge
 Frontenac Islands
 Galway-Cavendish and Harvey
 Gauthier
 Georgian Bay
 Georgian Bluffs
 Gillies
 Gordon
 Greater Madawaska
 Grey Highlands
 Guelph/Eramosa
 Hamilton
 Harley
 Harris
 Hastings Highlands
 Havelock-Belmont-Methuen
 Head, Clara and Maria
 Highlands East
 Hilliard
 Hilton
 Hornepayne
 Horton
 Howick
 Hudson
 Huron Shores
 Huron-Kinloss
 Ignace
 James
 Jocelyn
 Johnson
 Joly
 Kerns
 Killaloe, Hagarty and Richards
 Kincardine
 King
 La Vallee
 Laird
 Lake of Bays
 Lake of The Woods
 Lanark Highlands
 Larder Lake
 Laurentian Valley
 Leeds and the Thousand Islands
 Limerick
 Loyalist
 Lucan Biddulph
 Macdonald Meredith et al
 Machar
 Machin
 Madawaska Valley
 Madoc
 Magnetawan
 Malahide
 Manitouwadge
 Mapleton
 Marmora and Lake
 Matachewan
 Mattawan
 Mattice-Val Cote
 McDougall
 McGarry
 McKellar
 McMurrich-Monteith
 McNab-Braeside
 Melancthon
 Michipicoten
 Middlesex Centre

Montague
 Moonbeam
 Morley
 Morris-Turnberry
 Mulmur
 Muskoka Lakes
 Nairn and Hyman
 Neebing
 Nipigon
 Nipissing
 North Algona-Wilberforce
 North Dumfries
 North Dundas
 North Frontenac
 North Glengarry
 North Grenville
 North Huron
 North Kawartha
 North Middlesex
 North Stormont
 Northern Bruce Peninsula
 Norwich
 O'Connor
 Oliver Paipoonge
 Opasatika
 Oro-Medonte
 Otonabee-South Monaghan
 Papineau-Cameron
 Pelee
 Perry
 Perth East
 Perth South
 Pickle Lake
 Plummer Additional
 Prince
 Puslinch
 Ramara
 Red Rock
 Rideau Lakes
 Russell
 Ryerson
 Sables-Spanish Rivers
 Schreiber
 Scugog
 Seguin
 Severn
 Shedden
 Shuniah
 Sioux Narrows-Nestor Falls
 Smith-Ennismore-Lakefield
 South Algonquin
 South Bruce
 South Dundas
 South Frontenac
 South Glengarry
 South Stormont
 Southgate
 Southwest Middlesex
 South-West Oxford
 Southwold
 Springwater
 St. Clair
 St. Joseph
 Stirling-Rawdon
 Stone Mills
 Strathroy-Caradoc
 Strong
 Tarbutt and Tarbutt Additional
 Tay
 Tehkummah

Thames Centre
 The Archipelago
 The Nation
 The North Shore
 Tiny
 Tudor and Cashel
 Tweed
 Tyendinaga
 Uxbridge
 Val Rita-Harty
 Wainfleet
 Warwick
 Wellesley
 Wellington North
 West Elgin
 West Grey
 West Lincoln
 West Perth
 White River
 Whitestone
 Whitewater Region
 Wilmot
 Wollaston
 Woolwich
 Zorra

NORMAN W. STERLING
 Minister of Transportation

Dated on January 16, 2003.

5/03

ONTARIO REGULATION 9/03

made under the

HIGHWAY TRAFFIC ACT

Made: January 16, 2003

Filed: January 17, 2003

Amending Reg. 604 of R.R.O. 1990
 (Parking)

Note: Since the end of 2001, Regulation 604 has been amended by Ontario Regulations 293/02 and 294/02. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. Appendix C to Regulation 604 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

APPENDIX C

Schedule 1

QUEEN ELIZABETH WAY

1. That part of the King's Highway known as the Queen Elizabeth Way.

Schedule 2

HIGHWAY NO. 400

1. That part of the King's Highway known as No. 400.

Schedule 3**HIGHWAY NO. 401**

1. That part of the King's Highway known as No. 401.

Schedule 4**HIGHWAY NO. 402**

1. That part of the King's Highway known as No. 402.

Schedule 5**HIGHWAY NO. 403**

1. That part of the King's Highway known as No. 403.

Schedule 6**HIGHWAY NO. 404**

1. That part of the King's Highway known as No. 404.

Schedule 7**HIGHWAY NO. 405**

1. That part of the King's Highway known as No. 405.

Schedule 8**HIGHWAY NO. 406**

1. That part of the King's Highway known as No. 406.

Schedule 9**HIGHWAY NO. 407**

1. That part of the King's Highway known as No. 407.

Schedule 10**HIGHWAY NO. 409**

1. That part of the King's Highway known as No. 409.

Schedule 11**HIGHWAY NO. 410**

1. That part of the King's Highway known as No. 410.

Schedule 12**HIGHWAY NO. 416**

1. That part of the King's Highway known as No. 416.

Schedule 13**HIGHWAY NO. 417**

1. That part of the King's Highway known as No. 417.

Schedule 14**HIGHWAY NO. 420**

1. That part of the King's Highway known as No. 420.

Schedule 15**HIGHWAY NO. 427**

1. That part of the King's Highway known as No. 427.

Schedule 16**HIGHWAY NO. 3**

1. That part of the King's Highway known as No. 3 in the City of St. Thomas and the Township of Yarmouth in the County of Elgin lying between a point situated at its intersection with the roadway known as Wellington Road (County Road 25) and a point situate at its intersection with the roadway known as Centennial Avenue.

NORMAN W. STERLING
Minister of Transportation

Dated on January 16, 2003.

5/03

ONTARIO REGULATION 10/03

made under the

RETAIL SALES TAX ACT

Made: January 10, 2003

Filed: January 17, 2003

REBATE FOR ENERGY-EFFICIENT APPLIANCES**Household appliances**

1. The following household appliances are prescribed by the Minister for the purposes of the definition of "appliance" in subsection 9.1 (1) of the Act:

1. Freezers.

Commencement

2. This Regulation comes into force on January 1, 2003.

JANET ECKER
Minister of Finance

Dated on January 10, 2003.

5/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—02—08

ONTARIO REGULATION 11/03

made under the

HIGHWAY TRAFFIC ACT

Made: January 17, 2003

Filed: January 20, 2003

Amending Reg. 621 of R.R.O. 1990

(Speed Limits in Territory Without Municipal Organization)

Note: Regulation 621 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 621 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedules:

Schedule 1

1. That part of the highway known as Kam Current Road in the unorganized Township of Gorham in the Territorial District of Thunder Bay beginning at a point situate at its intersection with the King's Highway known as No. 589 and extending westerly a distance of 650 metres.

2. Sixty kilometres per hour.

Schedule 2

1. That part of the highway known as Havilland Shores Drive in the Township of Havilland in the Territorial District of Algoma beginning at a point situate at its intersection with the old highway 17 also known as Havilland Shores Drive and extending westerly a distance of 19.1 kilometres.

2. Fifty kilometres per hour.

NORMAN W. STERLING
Minister of Transportation

Dated on January 17, 2003.

6/03

ONTARIO REGULATION 12/03

made under the

HIGHWAY TRAFFIC ACT

Made: January 16, 2003

Filed: January 20, 2003

Amending Reg. 631 of R.R.O. 1990

(Yield Right-of-Way Signs in Territory Without
Municipal Organization)

Note: Regulation 631 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 631 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedule:

Schedule 14

1. The highway known as Grand Truck Road in the unorganized Township of Dawson Road Lots in the Territorial District of Thunder Bay at its intersection with the roadway known as Finmark Road.

2. Eastbound on Grand Trunk Road.

NORMAN W. STERLING
Minister of Transportation

Dated on January 16, 2003.

6/03

ONTARIO REGULATION 13/03

made under the

PROFESSIONAL ENGINEERS ACT

Made: March 27, 2002

Approved: January 20, 2003

Filed: January 22, 2003

Amending Reg. 941 of R.R.O. 1990
(General)

Note: Regulation 941 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The definition of "executive director" in section 1 of Regulation 941 of the Revised Regulations of Ontario, 1990 is revoked.

(2) The definition of "practitioner" in section 1 of the Regulation is amended by striking out "a limited licence" and substituting "a provisional licence, a limited licence".

2. (1) Clause 12 (4) (a) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

(2) Clause 12 (4) (b) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

3. (1) Clause 13 (8) (a) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

(2) Clause 13 (8) (b) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

4. Clause 14 (3) (a) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

5. Section 17 of the Regulation is amended by striking out "executive director" and substituting "Registrar".

6. Section 18 of the Regulation is amended by striking out "executive director" and substituting "Registrar".

7. Subsection 19 (1) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

8. Clause 21 (f) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

9. Subsection 23 (1) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

10. Clause 29 (d) of the Regulation is amended by striking out "executive director" and substituting "Registrar".

11. Section 33 of the Regulation is amended by adding the following subsection:

(2) Experience acquired outside Canada satisfies the requirements of paragraph 4 of subsection (1) if,

(a) it is obtained while the applicant is,

(i) employed by an employer whose head office is located in Canada, and

(ii) supervised by one or more persons who are legally authorized to engage in the practice of professional engineering in a Canadian jurisdiction; and

(b) in the Council's opinion, the experience provides the applicant with,

(i) the necessary practical skill for the practice of professional engineering, and

(ii) sufficient familiarity with the applicable Canadian codes, regulations and standards for the practice of professional engineering.

12. The Regulation is amended by adding the following section:

44.1 (1) The Registrar may grant a provisional licence to an applicant who complies with the requirements of paragraphs 1, 2, 3 and 5 of subsection 33 (1).

(2) The following conditions apply to every provisional licence:

1. The provisional licence is valid for 12 months from the date of issue. It may be renewed once for up to 12 months if the Registrar is of the opinion that renewal is necessary to enable the applicant to acquire the experience required by paragraph 4 of subsection 33 (1).

2. The holder of the provisional licence is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report or other document unless the supervising professional engineer also signs and dates it and affixes his or her seal to it.

13. Section 45 of the Regulation is revoked and the following substituted:

45. The following conditions apply to every limited licence:

1. The practice of professional engineering by the holder of the limited licence must be limited to the services specified in the limited licence.

2. When the holder of the limited licence ceases to provide the services specified in the limited licence, the holder must notify the Registrar and return to the Registrar the limited licence and the seal issued to the holder.

14. Paragraphs 6 and 7 of section 46 of the Regulation are revoked and the following substituted:

6. A holder of a limited licence who returns the limited licence and related seal to the Registrar and afterwards proposes to resume providing the services specified in the limited licence is entitled to be issued a new limited licence and related seal limited to the services specified in the previous limited licence.

15. (1) Subsection 52 (1) of the Regulation is amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding the following clause:

(c) the licence number.

(2) Section 52 of the Regulation is amended by adding the following subsections:

(1.1) If a Member's seal was issued before the day subsections 11 (1) to (65) of Schedule B to the *Government Efficiency Act, 2001* come into force, clause (1) (c) does not apply.

(3.1) Every holder of a provisional licence shall have a seal of a design approved by the Council, the impression of which shall include,

(a) the surname and initials of the holder of the provisional licence;

(b) the words "Provisional Licensee" and "Association of Professional Engineers of Ontario";

(c) the provisional licence number;

(d) the date of expiry; and

(e) a statement that the holder is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report or other document unless the supervising professional engineer also signs and dates it and affixes his or her seal to it.

(3) Subsection 52 (4) of the Regulation is amended by adding "and" at the end of clause (d) and by revoking clause (e).

16. Section 53 of the Regulation is amended by striking out "or limited licence" and substituting "provisional licence or limited licence".

17. Section 54 of the Regulation is amended by striking out "limited licence" and substituting "provisional licence, limited licence".

18. Section 55 of the Regulation is amended by striking out "limited licence" wherever it occurs and substituting in each case "provisional licence, limited licence".

19. Clause 72 (2) (k) of the Regulation is amended by striking out "limited licence" and substituting "provisional licence, limited licence".

20. Section 75 of the Regulation is amended by striking out "a limited licence" and substituting "a provisional licence, a limited licence".

21. Subparagraph 2 iv of section 77 of the Regulation is amended by striking out "limited licence" and substituting "provisional licence, limited licence".

22. The Regulation is amended by adding the following section:

82.1 The registration fee for an applicant for registration as a holder of a provisional licence is \$175.

23. This Regulation comes into force on the day subsections 11 (1) to (65) of Schedule B to the *Government Efficiency Act, 2001* come into force.

COUNCIL OF THE ASSOCIATION OF
PROFESSIONAL ENGINEERS OF ONTARIO:

G. G. M. STERLING
President

R. F. BARKER
Registrar

Dated on March 27, 2002.

6/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—02—22

ONTARIO REGULATION 14/03

made under the

ELECTRICITY ACT, 1998

Made: February 3, 2003
Filed: February 5, 2003

Amending O. Reg. 160/99
(Definitions and Exemptions)

Note: Ontario Regulation 160/99 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 2.2.1 of Ontario Regulation 160/99 is amended by striking out "Section 26 of the Act does not apply" at the beginning and substituting "Sections 26 and 28 of the Act do not apply".

8/03

ONTARIO REGULATION 15/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: February 3, 2003
Filed: February 5, 2003

Amending O. Reg. 161/99
(Definitions and Exemptions)

Note: Ontario Regulation 161/99 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 4.0.1 Ontario Regulation 161/99 is amended by striking out "sections 71, 78, 80 and 86 of the Act" in the portion before clause (a) and substituting "sections 71, 72, 78, 80 and 86 of the Act".

2. Section 4.1 of the Regulation is amended by adding the following subsection:

(3) Clause 57 (d) of the Act does not apply to a retailer if,

(a) the only electricity retailed by the retailer was generated by the retailer or was purchased by or on behalf of the retailer;

(b) the retailer retails electricity at a price that is no greater than all the reasonable costs associated with generating it or purchasing it; and

(c) the retailer is also a distributor that owned or operated a distribution system as of January 1, 2002, and that meets all the conditions set out in clause 4.0.1 (c).

3. The Regulation is amended by adding the following section:

6.0.3 Section 81 of the Act does not apply to a generator or affiliate of a generator that acquires an interest in a transmission system in Ontario or constructs a transmission system in Ontario if,

(a) none of the lines in the transmission system are more than two kilometres in length; and

(b) the generator transmits electricity only for,

(i) the purpose of conveying electricity generated by the generator into the IMO-controlled grid, or

(ii) the purpose of transmitting electricity during,

(A) planned outages as defined in the market rules that have been approved by the IMO in accordance with the market rules,

(B) forced outages as defined in the market rules, or

(C) emergencies as defined in the market rules.

8/03

ONTARIO REGULATION 16/03

made under the

SECURITIES ACT

Made: November 13, 2002
Approved: January 10, 2003
Filed: February 5, 2003

Amending Reg. 1015 of R.R.O. 1990
(General)

Note: Regulation 1015 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The heading before section 129 and section 129 of Regulation 1015 of the Revised Regulations of Ontario, 1990 is revoked.

2. Section 135 of the Regulation is revoked and the following substituted:

135. Upon receipt and review of a notice to the Director under Multilateral Instrument 33-109 *Registration Information*, the Director may require an application for amendment of registration prepared in accordance with Form 7.

3. Section 136 of the Regulation is revoked.

4. (1) Clauses 5 (1) (a) and (b) and the portion of subsection 5 (2) before clause (a) of Schedule 1 to the Regulation are amended by striking out "Form 4 (or a letter in lieu thereof)" wherever it appears and substituting in each case "Form 33-109F2 or 33-109F4 (made under Multilateral Instrument 33-109 *Registration Information*)".

(2) Clause 5 (2) (a) of Schedule 1 to the Regulation is revoked and the following substituted:

(a) filed as part of an application in Form 3; or

(3) Clause 6 (c) of Schedule 1 to the Regulation is revoked and the following substituted:

(c) \$375 for each individual who is a representative, partner or officer of the applicant, other than a partner or officer who is not resident in Ontario and is not registered to advise in Ontario.

(4) Section 7 of Schedule 1 to the Regulation is amended by striking out the portion before clause (b) and substituting the following:

7. An application for registration as a representative, partner or officer of an adviser in Form 33-109F2 or 33-109F4 (made under Multilateral Instrument 33-109 *Registration Information*) shall be accompanied by a fee of \$375 unless it is,

(a) filed as part of an application in Form 3; or

(5) Subsection 9 (1) of Schedule 1 to the Regulation is revoked.

(6) Subsection 9 (2) of Schedule 1 to the Regulation is amended by striking out "within thirty days after the applicant's anniversary date" and substituting "on or before December 31 in each year".

(7) Clauses 9 (3) (a), (b) and (c) of Schedule 1 to the Regulation are revoked and the following substituted:

(a) the number of branch and sub-branch offices on December 31 of the current year, as shown in the records of the Commission;

(b) the salespersons, representatives, partners and officers on December 31 of the current year, as shown in the records of the Commission; and

(c) the information contained in the audited consolidated financial statements or Financial Questionnaire and Report filed most recently prior to December 31 of the current year.

(8) Section 12 of Schedule 1 to the Regulation is revoked and the following substituted:

12. (1) A notice submitted by a dealer or adviser under Multilateral Instrument 33-109 shall be accompanied by a fee of \$125 for each of the following changes:

1. A change in the address for service of the dealer or adviser.

2. A change in the head office address of the dealer or adviser.

3. A change in the name of the dealer or adviser.

4. A change in a category of registration of the dealer or adviser.

5. A change in the auditor of the dealer or adviser.

6. A change in the financial year end of the dealer or adviser.

7. A change in the officers, directors or partners of the dealer or adviser.

8. A change in the holders of the voting securities of the dealer or adviser.

9. The opening of a business location, other than a new head office, and any change to business location information submitted on Form 33-109F3 (made under Multilateral Instrument 33-109 *Registration Information*).

(2) Upon an amalgamation or merger of two or more registrants, the successor registrant shall pay a fee of \$125 in respect of each change referred to in subsection (1) that occurs to each predecessor registrant as a result of the amalgamation or merger.

5. Form 3 of the Regulation is revoked and the following substituted:

Form 5

Securities Act

**APPLICATION FOR REGISTRATION AS DEALER,
ADVISOR OR UNDERWRITER**

NOTE: Should any space be insufficient for your answers, a statement may be attached and marked as an exhibit cross-referencing each statement to the item to which it pertains provided it is initialled by the applicant and the Commissioner taking the affidavit.

Application is made for registration under the *Securities Act*

(NOTE: Refer to sections 98 and 99 of the Regulation to confirm the appropriate category of registration.)

in the category of

1.	(a)	Name of Applicant	
	(b)	Head Office Business Address	
		Telephone Number	Postal Code
	(c)	Address for service in Ontario	
		Telephone Number	Postal Code
2.	The applicant maintains accounts at the following bank(s): (State bank and branches through which business is transacted)		
3.	Is applicant applying for registration of any branch offices? If so, state addresses		
INSTRUCTION: Answer "Yes" or "No" to the following questions. If "Yes", give particulars			
4.	Has the applicant, or to the best of the applicant's information and belief, has any affiliate of the applicant,		
	(a)	been registered in any capacity under any <i>Securities Act</i> of Ontario?	
	(b)	applied for registration, in any capacity, under any <i>Securities Act</i> of Ontario?	
5.	Is the applicant, or to the best of the applicant's information and belief, is any affiliate of the applicant, now, or has any such person or company been,		
	(a)	registered or licensed in any capacity in any other province, state or country which requires registration or licensing to deal or trade in securities?	
	(b)	registered or licensed in any other capacity in Ontario or any other province, state or country under any legislation which requires registration or licensing to deal with the public in any capacity? (e.g., as an insurance agent, real estate agent, used car dealer, mortgage broker, etc.)	
	(c)	refused registration or a licence mentioned in 5(a) or (b) above or has any registration or licence been suspended or cancelled in any category mentioned in 5(a) or (b) above?	

(d)	denied the benefit of any exemption from registration provided by any <i>Securities Act</i> of Ontario, or similar exemption provided by securities acts or regulations of any other province, state or country?		
6. Is the applicant, or to the best of the applicant's information and belief is any affiliate of the applicant, now, or has any such person or company been,			
(a)	a member of any Stock Exchange, Association of Investment Dealers, Investment Bankers, Brokers, Broker-Dealers, or similar organization, in any province, state or country?		
(b)	refused membership in any Stock Exchange, Association of Investment Dealers, Investment Bankers, Brokers, Broker-Dealers, or similar organization, in any province, state or country?		
(c)	suspended as a member of any Stock Exchange, Association of Investment Dealers, Investment Bankers, Brokers, Broker-Dealers, or similar organization, in any province, state or country?		
7. Has the applicant, or to the best of the applicant's information and belief, has any affiliate of the applicant, operated under, or carried on business under, any name other than the name shown in this application?			
8. Has the applicant, or to the best of the applicant's information and belief, has any affiliate of the applicant,			
(a)	ever been convicted under the law of any province, state or country, excepting minor traffic violations?		
	Is there currently an outstanding charge or indictment against the applicant or affiliate?		
	<small>INSTRUCTION: Question 8(a) refers to all laws, e.g., Criminal, Immigration, Customs, Liquor, etc. of any province, state or country in any part of the world. You are not required to disclose any convictions for which a pardon has been granted under the Criminal Records Act (Canada), and which pardon has not been revoked.</small>		
(b)	ever been the defendant or respondent in any proceedings in any civil court in any jurisdiction in any part of the world wherein fraud was alleged?		
(c)	at any time declared bankruptcy, or made a voluntary assignment in bankruptcy? (If "Yes", give particulars and also attach a certified copy of discharge.)		
(d)	ever been refused a fidelity bond?		
9. Set out in the space provided, the name of the applicant, or the name of and position held by each officer or partner of the applicant seeking or holding registration.			
NOTE: an underwriter may not trade with the public. (To provide more information, please submit an attachment)			
Names of persons who will act (In addition to last name, give full first and middle names)	Office Held	Names of persons who will act (In addition to last name, give full first and middle names)	Office Held
1.		5.	
2.		6.	
3.		7.	
4.		8.	

10.	A	Capitalization of Company: Other than a Security Issuer, complete below or attach marked as an exhibit to the application a statement containing the information called for below, to provide information with respect to the financial structure and control of the applicant company.	
	(a)	The authorized and issued capital of the company, stating:	
		Preferred Shares (State number of shares and dollar value) Shares \$	Common Shares (State number of shares and dollar value) Shares \$
(1)	authorized capital		
(2)	issued		
(3)	total dollar value of other securities:		
	(i) Bonds		
	(ii) Debentures		
	(iii) Any other loans, state source and maturity dates		
	TOTAL \$		
(b)	The names, addresses and usual place of residence of registered, and direct, and indirect, beneficial owners of each class of security or obligation issued, and if a trust is the beneficial owner, the names, addresses and usual place of residence of each person or company having a beneficial interest in the trust, and the nature and extent of the holdings and percentage of interest attributable to each security holder, lender or <i>cestui que trust</i> (beneficiary).		
(c)	State name and address of every depository holding any of the assets of the company		
	INSTRUCTION: Answer "yes" or "No" to the following questions. If "Yes", give particulars		
(d)	Has any person or company undertaken to act as a guarantor in relation to the financial or other undertakings of the applicant?		
(e)	Has a subordination agreement been executed by the creditor(s) in relation to loans owing by the applicant?		
(f)	Is there any person or company whose name is not disclosed in the statement called for by (b) above who has any direct or indirect interest in the applicant, either beneficially or otherwise?		
B	Capitalization of a Partnership or Proprietorship Attach, marked as an exhibit to the application, a statement containing the information called for below with respect to the assets of the partnership or proprietorship, and demonstrate therein the degree of control (voting power) of each of the participants in the applicant.		
(a)	Amount of paid-in capital \$		
(b)	Description of the assets		
(c)	State name and address of every depository holding any of the assets:		

(d)	Source, amount and maturity date of any obligations owing by the partnership, if any: (Where applicable, give names and addresses of creditors).
INSTRUCTION: Answer "yes" or "No" to the following questions. If "Yes", give particulars	
(e)	Has any person or company undertaken to act as guarantor in relation to the financial or other undertakings of applicant?
(f)	Has a subordination agreement been executed by the creditor(s) in relation to loans owing by the applicant?
(g)	Is there any person or company whose name is not disclosed above who has any interest in the applicant, either beneficially or otherwise?

DATED at

this ____ day of ____ 20__

By

(Name of applicant)

(Signature of applicant, partner or officer)

(Official capacity)

AFFIDAVITIn the matter of the *Securities Act*

Province of Ontario

) I,

(Name in full)

..... of

) of the

To Wit:) in the County of

MAKE OATH AND SAY:

1. I am the applicant (or a partner or officer of the applicant) herein for registration and I signed the application.
2. The statements of fact made in the application are true.

SWORN before me at the

in the of

this day of 20....

(A Commissioner, etc.)

It is an offence under the *Securities Act* to file an application containing a statement that, at the time and in light of the circumstances in which it is made, is a misrepresentation.

Attachment Page

(Please Include the Question Number you are Answering)

6. Form 4 of the Regulation is revoked.

7. This Regulation comes into force on the day that the rule made by the Ontario Securities Commission on November 12, 2002 entitled "Multilateral Instrument 33-109 *Registration Information*" comes into force.

ONTARIO SECURITIES COMMISSION:

HOWARD WETSTON
Vice Chair

DAVID A. BROWN
Chair

Dated on November 13, 2002.

Note: The rule made by the Ontario Securities Commission on November 12, 2002 entitled "Multilateral Instrument 33-109 *Registration Information*" comes into force on February 21, 2003.

8/03

ONTARIO REGULATION 17/03

made under the

COMMODITY FUTURES ACT

Made: November 13, 2002
Approved: January 10, 2003
Filed: February 5, 2003

Amending Reg. 90 of R.R.O. 1990
(General)

Note: Regulation 90 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The heading before section 39 and section 39 of Regulation 90 of the Revised Regulations of Ontario, 1990 are revoked.

2. Section 43 of the Regulation is revoked and the following substituted:

43. Upon receipt and review of a notice to the Director under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*, the Director may require an application for amendment of registration prepared in accordance with Form 12 or 13.

3. (1) Subsection 3 (1) of Schedule 1 to the Regulation is amended by striking out "Form 7 (or a letter in lieu thereof)" and substituting "Form 33-506F2 or 33-506F4 (made under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*)".

(2) Subsection 3 (2) of Schedule 1 to the Regulation is amended by striking out "Form 7 (or a letter in lieu thereof)" and substituting "Form 33-506F4 (made under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*)".

(3) Subsection 4 (1) of Schedule 1 to the Regulation is amended by striking out "Form 7 (or a letter in lieu thereof)" and substituting "Form 33-506F2 or 33-506F4 (made under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*)".

(4) Subsection 4 (2) of Schedule 1 to the Regulation is amended by striking out the portion before clause (b) and substituting the following:

(2) No fee is payable under subsection (1) if the application in Form 33-506F2 or 33-506F4 (made under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*) is,

(a) filed as part of an application in Form 5; or

(5) Subsection 6 (1) of Schedule 1 to the Regulation is amended by striking out the portion before clause (b) and substituting the following:

(1) Subject to subsection (2), an application for registration as a representative, partner or officer of an adviser in Form 33-506F2 or 33-506F4 (made under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*) shall be accompanied by a fee of,

(a) \$125, if the applicant is registered or applying to be registered under the *Securities Act* as a representative, partner or officer of the advisor; or

(6) Subsection 6 (2) of Schedule 1 to the Regulation is amended by striking out the portion before clause (b) and substituting the following:

(2) No fee is payable under subsection (1) if the application in Form 33-506F2 or 33-506F4 (made under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*) is,

(a) filed as part of an application in Form 5; or

(7) Subsections 8 (1), (2) and (3) of Schedule 1 to the Regulation are revoked and the following substituted:

(1) An applicant for renewal of registration as a dealer or adviser shall pay the fee calculated under section 2 or 5, as applicable, on or before December 31 in each year.

(2) The calculation under section 2 or 5 of the fee payable by an applicant for renewal of registration shall be based on,

(a) the number of branch and sub-branch offices on December 31 of the current year, as shown in the records of the Commission;

(b) the representatives, floor traders, salespersons, partners and officers on December 31 of the current year, as shown in the records of the Commission; and

(c) the information contained in the audited consolidated financial statements or Joint Regulatory Financial Questionnaire and Report filed most recently before December 31 of the current year.

(8) Sections 13, 14 and 15 of Schedule 1 to the Regulation are revoked and the following substituted:

13. A notice submitted by a dealer or adviser under Rule 33-506 (*Commodity Futures Act*) *Registration Information* shall be accompanied by a fee of \$125 for each of the following changes:

1. A change in the address for service of the dealer or adviser.
2. A change in the head office address of the dealer or adviser.
3. A change in the name of the dealer or adviser.
4. A change in a category of registration of the dealer or adviser.

5. A change in the auditor of the dealer or adviser.

6. A change in the financial year end of the dealer or adviser.

7. A change in the officers, directors or partners of the dealer or adviser.

8. A change in the holders of the voting securities of the dealer or adviser.

9. The opening of a business location, other than a new head office, and any change to business location information submitted on Form 33-506F3 (made under Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) *Registration Information*).

14. Upon an amalgamation or merger of two or more registrants, the successor registrant shall pay a fee of \$125 in respect of each change referred to in section 13 that occurs to each predecessor registrant as a result of the amalgamation or merger.

4. Form 5 of the Regulation is revoked and the following substituted:

Form 5*Commodity Futures Act***APPLICATION FOR REGISTRATION AS FUTURES
COMMISSION MERCHANT INTRODUCING
BROKER OR ADVISOR**

Note: Should any space be insufficient for your answers, a statement may be attached and marked as an exhibit cross - referencing each statement to the item to which it pertains provided it is initialled by the applicant and the Commissioner taking the affidavit.

APPLICATION FOR REGISTRATION AS FUTURES COMMISSION MERCHANT INTRODUCING BROKER OR ADVISOR

Application is made for registration under the *Commodity Futures Act*, as

In the category of(See categories set out at section 8 of the regulations under the *Commodity Futures Act*.)

The following statements of fact are made in respect thereof:

1. (a) Name of Applicant
- (b) Head Office Business Address (including postal code).....
Telephone No.
- (c) Address for service in Ontario.....
- (d) Name of non-resident carrying broker or registered futures commission merchant that trades in contracts for customers (to be answered by introducing brokers).....
2. The applicant maintains accounts at the following bank(s):
(state bank and branches through which business is transacted)
.....
.....
.....
3. Is applicant applying for registration of any branch offices?.....
If so, state addresses (including postal code).....
.....
.....

Instructions: Answer "Yes" or "No" to the following questions. If "Yes" give particulars.

4. Has the applicant, or to the best of the applicant's information and belief has any affiliate of the applicant.
(a) been registered in any capacity under the *Commodity Futures Act* of Ontario?.....
.....

(b) applied for registration in any capacity, under the *Commodity Futures Act* of Ontario?.....
.....

5. Is the applicant, or to the best of the applicant's information and belief is any affiliate of the applicant, now, or has any such person or company been.

(a) registered or licensed in any capacity in any other province, state or country which required registration or licensing to trade in commodity futures contracts or commodity futures options?
.....
.....

(b) registered or licensed in any other capacity in Ontario or any other province, state or country under any legislation which requires registration or licensing to deal with the public in any capacity? (e.g. as a securities dealer, insurance agent, real estate agent, used car dealer, mortgage broker, etc.)
.....
.....

(c) refused registration or a licenced mentioned in 5 (a) or (b) above or has any registration or licence been suspended or cancelled in any category mentioned in 5 (a) or (b) above?
.....
.....

6. Is the applicant, or to the best of the applicant's information and belief is any affiliate of the applicant, now, or has any such person or company been.

(a) a member of any commodity futures exchange, clearing house of a commodity futures exchange, association of commodity futures dealers or similar organization in any province, state or country?
.....

(b) refused membership in any commodity futures exchange, clearing house of a commodity futures exchange, associated of commodity futures dealers or similar organization, in any province, state or country?
.....

(c) suspended as a member of any commodity futures exchange, clearing house of a commodity futures exchange, association of commodity futures dealers or similar organization, in any province, state or country?
.....

7. Has the applicant, or to the best of the applicant's information and belief has any affiliate of the applicant, operated under, or carried on business under, any name other than the name shown in this application?
-
-

8. Has the applicant, or to the best of the applicant's information and belief has any affiliate of the applicant, ever been.

- (a) convicted or presently have outstanding a charge or indictment under the law of any province, state or country, except minor traffic violations?
-

Instruction: Question 8 (a) refers to all laws, e.g. Criminal, Immigration, Customs, Liquor, etc., of any province, state or country in any part of the world.

- (b) the defendant or respondent in any proceeding in any civil court in any jurisdiction in any part of the world wherein fraud was alleged?

- (c) at any time declared bankrupt or made a voluntary assignment in bankruptcy? (If "Yes", give particulars and also attach a certified copy of discharge)
-
-

- (d) refused a fidelity bond?.....
-

9. Attach and mark as an exhibit properly identified a statement setting out the name in full of, and position held by, the applicant or each partner, officer or director of the applicant, and provide for each such person a completed Form 33-506F4.

10. (A) CAPITALIZATION OF A COMPANY

Complete below or attach marked as an exhibit to the application a statement containing the information called for below, to provide information with respect to the financial structure and control of the applicant company:

- (a) The authorized and issued capital of the company, stating:

	<i>Preferred Shares</i> (State number of shares and dollar value)	<i>Common Shares</i> (State number of shares and dollar value)
	<hr/> Shares	<hr/> Shares
	\$	\$
(1) authorized capital		
(2) issued		

(3) total dollar value of other securities:

- (i) Bonds
- (ii) Debentures
- (iii) Notes
- (iv) Any other loans, state source and maturity
dates

\$	\$
TOTAL	\$

- (b) The names, addresses and usual place of residence of registered, and direct, and indirect, beneficial owners of each class of security or obligation issued, and, if a trust is the beneficial owner, the names, addresses, and usual place of residence of each person or company having a beneficial interest in the trust, and the nature and extent of the holdings and percentage of interest attributable to each security holder, lender or beneficiary.
- (c) State name and address of every depository holding any of the assets of the company: Instruction: Answer "Yes" or "No" to the following questions. If "Yes" give particulars.
- (d) Has any person or company undertaken to act as a guarantor in relation to the financial or other undertakings of applicant?
.....
- (e) Has a subrogation been executed by the creditor(s) in relation to loans owing by the applicant?
.....
- (f) Is there any person or company whose name is not disclosed in the statement called for by (b) above who has any direct or indirect interest in the applicant, either beneficially or otherwise?

B - CAPITALIZATION OF A PARTNERSHIP OR PROPRIETORSHIP:

Attach, marked as an exhibit to the application, a statement containing the information called for below with respect to the assets of the partnership or proprietorship, and demonstrate therein the degree of control (voting power) of each of the participants in the application.

- (i) Amount of paid-in capital \$.....
- (ii) Description of the assets:
- (iii) State name and address of every depository holding any of the assets:
- (iv) Source, amount and maturity date of any obligations owing by the partnership, if any:

(Where applicable, give names and addresses of creditors)

Instruction: Answer "Yes" or "No" to the following questions. If "Yes" give particulars.

- (v) Has any person or company undertaken to act as a guarantor in relation to the financial or other undertakings of applicant?
- (vi) Has a subrogation been executed by the creditor(s) in relation to loans owing by the applicant?
- (vii) Is there any person or company whose name is not disclosed above who has any interest in the applicant, either beneficially or otherwise?

Dated at

(name of applicant)

this day of, 19.....

By.....

(signature of applicant, partner or officer)

(official capacity)

AFFIDAVIT

IN THE MATTER OF THE *Commodity Futures Act*

Province of Ontario

)

)

I,.....

(name in full)

)

.....of.....

)

of the

)

TO WIT:) in the Country of

MAKE OATH AND SAY:

1. I am the applicant (or a partner or officer of the applicant) herein for registration and I signed the application.

2. The statements of fact made in the application are true.

Sworn before me at the)

)

In the.....of.....)

)

this.....day of.....19.....)

)

(A Commissioner, etc.)

(signature of deponent)

5. Forms 7 and 8 of the Regulation are revoked.

6. This Regulation comes into force on the day that the rule made by the Ontario Securities Commission on November 12, 2002 entitled "Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) Registration Information" comes into force.

ONTARIO SECURITIES COMMISSION:

HOWARD WETSTON
Vice Chair

DAVID A. BROWN
Chair

Dated on November 13, 2002.

Note: The rule made by the Ontario Securities Commission on November 12, 2002 entitled "Ontario Securities Commission Rule 33-506 (*Commodity Futures Act*) Registration Information" comes into force on February 21, 2003.

8/03

ONTARIO REGULATION 18/03

made under the

HEALTH INSURANCE ACT

Made: February 3, 2003
Filed: February 5, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Regulation 552 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "schedule of benefits" in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

4. Amendments dated February 1, 2003.

2. This Regulation shall be deemed to have come into force on February 1, 2003.

8/03

ONTARIO REGULATION 19/03

made under the

COURTS OF JUSTICE ACT

Made: October 17, 2002
Approved: February 3, 2003
Filed: February 5, 2003

Amending Reg. 194 of R.R.O. 1990
(Rules of Civil Procedure)

Note: Regulation 194 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subrule 4.07 (3) of Regulation 194 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

Appeal Book and Compendium

(3) An appeal book and compendium shall be bound front and back in buff covers.

(2) Subrule 4.07 (4) of the Regulation is amended by striking out "appeal book" and substituting "appeal book and compendium".

(3) Subrule 4.07 (5.1) of the Regulation is revoked.

2. Subrule 7.07 (1) of the Regulation is revoked and the following substituted:

(1) If a party to an action is under a disability, the party may be noted in default under rule 19.01 only with leave of a judge.

3. Rule 7 of the Regulation is amended by adding the following rule:

DISCONTINUANCE BY OR AGAINST PARTY UNDER DISABILITY

7.07.1 (1) If a party to an action is under a disability, the action may be discontinued by or against the party under rule 23.01 only with leave of a judge.

(2) Notice of a motion for leave under subrule (1) shall be served,

(a) on the litigation guardian of the party under disability; and

(b) on the Children's Lawyer, unless,

(i) the Public Guardian and Trustee is the litigation guardian, or

(ii) a judge orders otherwise.

4. Subrule 16.05 (3.2) of the Regulation is amended by striking out "appeal book" and substituting "appeal book and compendium".

5. Subrule 19.01 (4) of the Regulation is revoked and the following substituted:

Party under Disability

(4) If a party to an action is under disability, the party may be noted in default only with leave of a judge obtained on motion under rule 7.07.

6. Subrule 23.01 (2) of the Regulation is revoked and the following substituted:

(2) If a party to an action is under disability, the action may be discontinued by or against the party only with leave of a judge obtained on motion under rule 7.07.1.

7. Rule 30.09 of the Regulation is amended by striking out "not later than ten days after the action is set down for trial" and substituting "at least 90 days before the commencement of the trial".

8. Rule 37.02 of the Regulation is amended by adding the following subrule:

Jurisdiction of Registrar

(3) The registrar shall make an order granting the relief sought on a motion for an order on consent, if,

- (a) the consent of all parties (including the consent of any party to be added, deleted or substituted) is filed;
- (b) the consent states that no party affected by the order is under disability; and
- (c) the order sought is for,
 - (i) amendment of a pleading, notice of application or notice of motion,
 - (ii) addition, deletion or substitution of a party,
 - (iii) removal of a solicitor as solicitor of record,
 - (iv) setting aside the noting of a party in default,
 - (v) setting aside a default judgment,
 - (vi) discharge of a certificate of pending litigation,
 - (vii) security for costs in a specified amount,
 - (viii) re-attendance of a witness to answer questions on an examination,
 - (ix) fulfilment of undertakings given on an examination, or
 - (x) dismissal of a proceeding, with or without costs.

9. Rule 37.04 of the Regulation is amended by striking out "within a master's jurisdiction" and substituting "within the jurisdiction of a master or registrar".

10. Subrule 59.02 (1) of the Regulation is amended by striking out "appeal book" and substituting "appeal book and compendium".

11. Subrule 61.04 (3) of the Regulation is revoked and the following substituted:

Notice of Appeal

(3) The notice of appeal (Form 61A) shall state,

- (a) the relief sought;
- (b) the grounds of appeal; and

(c) the basis for the appellate court's jurisdiction, including references to,

- (i) any provision of a statute or regulation establishing jurisdiction,
- (ii) whether the order appealed from is final or interlocutory,
- (iii) whether leave to appeal is necessary and if so whether it has been granted, and
- (iv) any other facts relevant to establishing jurisdiction.

12. Subrule 61.05 (4) of the Regulation is amended by striking out "appeal books" and substituting "appeal book and compendium".

13. (1) Subclauses 61.09 (3) (a) (i) and (ii) of the Regulation are revoked and the following substituted:

- (i) the appeal book and compendium referred to in rule 61.10,
- (ii) the exhibit book referred to in rule 61.10.1,

(2) Subclauses 61.09 (3) (b) (i) and (ii) of the Regulation are revoked and the following substituted:

- (i) three copies of the appeal book and compendium, and where the appeal is to be heard by five judges, two additional copies,
- (ii) one copy of the exhibit book,

(3) Subclause 61.09 (3) (c) (i) of the Regulation is revoked and the following substituted:

- (i) stating that the appeal book and compendium, exhibit book, transcripts, if any, and appellant's factum have been filed, and

(4) Subrule 61.09 (4) of the Regulation is revoked and the following substituted:

Relief from Compliance

(4) If it is necessary to do so in the interest of justice, a judge of the appellate court may give special directions and vary the rules governing the appeal book and compendium, the exhibit book, the transcript of evidence and the appellant's factum.

14. Rule 61.10 of the Regulation is revoked and the following substituted:

APPEAL BOOK AND COMPENDIUM

61.10 (1) The appeal book and compendium shall contain, in consecutively numbered pages with numbered tabs arranged in the following order,

- (a) a table of contents describing each document by its nature and date;
- (b) a copy of the notice of appeal and of any notice of cross-appeal or supplementary notice of appeal or cross-appeal;
- (c) a copy of the order or decision appealed from as signed and entered;

- (d) a copy of the reasons of the court or tribunal appealed from, with a further typed or printed copy if the reasons are handwritten;
- (e) if an earlier order or decision was the subject of the hearing before the court or tribunal appealed from, a copy of the order or decision, as signed and entered, and a copy of any reasons for it, with a further typed or printed copy if the reasons are handwritten;
- (f) a copy of the pleadings or notice of application or of any other document that initiated the proceeding or defines the issues in it;
- (g) a copy of any excerpts from a transcript of evidence that are referred to in the appellant's factum;
- (h) a copy of any exhibits that are referred to in the appellant's factum;
- (i) a copy of any other documents relevant to the hearing of the appeal that are referred to in the appellant's factum;
- (j) a copy of the certificates or agreement respecting evidence referred to in rule 61.05;
- (k) a copy of any order made in respect of the conduct of the appeal; and
- (l) a certificate (Form 61H) signed by the appellant's lawyer, or on the lawyer's behalf by someone he or she has specifically authorized, stating that the contents of the appeal book and compendium are complete and legible.

(2) The Registrar may refuse to accept an appeal book and compendium if it does not comply with these rules or is not legible.

15. Rule 61.10.1 of the Regulation is revoked and the following substituted:

EXHIBIT BOOK

61.10.1 The exhibit book shall contain, in consecutively numbered pages with numbered tabs arranged in the following order,

- (a) a table of contents describing each exhibit by its nature, date and exhibit number or letter;
- (b) any affidavit evidence, including exhibits, that the parties have not agreed to omit;
- (c) transcripts of evidence used on a motion or application that the parties have not agreed to omit; and
- (d) a copy of each exhibit filed at a hearing or marked on an examination that the parties have not agreed to omit, arranged in order by date (or, if there are documents with common characteristics, grouped accordingly in order by date) and not by exhibit number.

16. (1) Clause 61.11 (1) (c) of the Regulation is revoked and the following substituted:

- (c) Part III, containing a concise summary of the facts relevant to the issues on the appeal, with such reference to the transcript of evidence and the exhibits as is necessary;

(2) Rule 61.11 of the Regulation is amended by adding the following subrule:

(1.1) References to the transcript of evidence shall be by tab, page number and line in the appeal book and compendium, and references to exhibits shall be by page number in the exhibit book and by tab and page number in the appeal book and compendium.

17. Rule 61.12 of the Regulation is revoked and the following substituted:

RESPONDENT'S FACTUM AND COMPENDIUM

Filing and Service

61.12 (1) Every respondent shall,

- (a) serve on every other party to the appeal,
 - (i) a typed or printed copy of the respondent's factum, and
 - (ii) the respondent's compendium;
- (b) file with the Registrar, with proof of service,
 - (i) three typed or printed copies of the respondent's factum, and where the appeal is to be heard by five judges, two additional copies, and
 - (ii) three copies of the respondent's compendium, and where the appeal is to be heard by five judges, two additional copies; and
- (c) file with the Registrar an electronic version of the respondent's factum.

Time for Delivery

(2) The respondent's factum and compendium shall be delivered within 60 days after service of the appeal book and compendium, exhibit book, transcript of evidence, if any, and appellant's factum.

Contents of Respondent's Factum

(3) The respondent's factum shall be signed by the respondent's counsel, or on counsel's behalf by someone he or she has specifically authorized, and shall consist of,

- (a) Part I, containing a concise overview statement describing the nature of the case and of the issues;
- (b) Part II, containing a statement of the facts in the appellant's summary of relevant facts that the respondent accepts as correct and those facts with which the respondent disagrees, and a concise summary of any additional facts relied on, with such reference to the transcript of evidence and the exhibits as is necessary;
- (c) Part III, containing the position of the respondent with respect to each issue raised by the appellant, immediately followed by a concise argument with reference to the law and authorities relating to that issue;
- (d) Part IV, containing a statement of any additional issues raised by the respondent, the statement of each issue to be followed by a concise argument

with reference to the law and authorities relating to that issue;

- (e) Part V, containing a statement of the order that the appellate court will be asked to make, including any order for costs;
- (f) a certificate stating,
 - (i) that an order under subrule 61.09 (2) (original record and exhibits) has been obtained or is not required, and
 - (ii) how much time (expressed in hours or fractions of an hour) counsel estimates will be required for his or her oral argument, not including reply;
- (g) Schedule A, containing a list of the authorities referred to; and
- (h) Schedule B, containing the text of all relevant provisions of statutes, regulations and by-laws that are not included in Schedule B to the appellant's factum.

(4) References to the transcript of evidence shall be by tab, page number and line in the respondent's compendium, and references to exhibits shall be by page number in the exhibit book and by tab and page number in the respondent's compendium.

(5) Parts I to V shall be arranged in paragraphs numbered consecutively throughout the factum.

Cross-Appeal

(6) Where a respondent has served a notice of cross-appeal under rule 61.07,

- (a) the respondent shall prepare a factum as an appellant by cross-appeal and deliver it with or incorporate it in the respondent's factum; and
- (b) the appellant shall deliver a factum as a respondent to the cross-appeal within ten days after service of the respondent's factum.

Contents of Respondent's Compendium

(7) The respondent's compendium shall contain, in consecutively numbered pages with numbered tabs arranged in the following order,

- (a) a table of contents describing each document by its nature and date;
- (b) a copy of any excerpts from a transcript of evidence that are referred to in the respondent's factum;
- (c) a copy of any exhibits that are referred to in the respondent's factum; and
- (d) a copy of any other documents relevant to the hearing of the appeal that are referred to in the respondent's factum.

Relief from Compliance

(8) If it is necessary to do so in the interest of justice, a judge of the appellate court may give special directions and vary the rules governing the respondent's factum and the respondent's compendium.

18. Rule 61.12.1 of the Regulation is revoked.

19. Subrule 61.13 (4) of the Regulation is amended by striking out "appeal book" and substituting "appeal book and compendium".

20. Subrule 76.01 (1) of the Regulation is revoked and the following substituted:

(1) The simplified procedure set out in this Rule does not apply to,

- (a) actions under the *Class Proceedings Act, 1992*;
- (b) actions under the *Construction Lien Act*, except trust claims;
- (c) actions under Rule 69, 70 or 77.

21. Form 4F of the Regulation is amended by striking out "Constitutional Law Branch, 8th floor, 720 Bay Street" and substituting "Constitutional Law Branch, 4th floor, 720 Bay Street".

22. (1) Form 30A of the Regulation is amended by striking out "(Signature of solicitor)" and substituting "(Signature of lawyer)".

(2) Form 30B of the Regulation is amended by striking out "(Signature of solicitor)" and substituting "(Signature of lawyer)".

23. Form 61A of the Regulation is revoked and the following substituted:

Form 61A

Courts of Justice Act

NOTICE OF APPEAL TO AN APPELLATE COURT

(General heading in accordance with Form 61B)

NOTICE OF APPEAL

THE *(identify party)* APPEALS to the Court of Appeal *(or Divisional Court)* from the judgment *(or order)* of *(name of judge, officer or tribunal)* dated *(date)* made at *(place)*.

THE APPELLANT ASKS that the judgment be set aside and judgment be granted as follows *(or that the judgment be varied as follows, or as may be)*: *(Set out briefly the relief sought.)*

THE GROUNDS OF APPEAL are as follows: *(Set out briefly the grounds of appeal.)*

THE BASIS OF THE APPELLATE COURT'S JURISDICTION IS: *(State the basis for the appellate court's jurisdiction, including (i) any provision of a statute or regulation establishing jurisdiction, (ii) whether the order appealed from is final or interlocutory, (iii) whether leave to appeal is required and if so whether it has been granted, and (iv) any other facts relevant to establishing jurisdiction.)*

(Divisional Court appeals) The appellant requests that this appeal be heard at *(place)*.

(Date)

(Name, address and telephone and fax numbers of appellant's lawyer or of appellant)

TO *(Name and address of respondent's lawyer or of respondent)*

24. Form 61H of the Regulation is amended,

- (a) by striking out "appeal books" wherever it appears and substituting in each case "appeal book and compendium"; and**
- (b) by striking out "are complete and legible" and substituting "is complete and legible".**

25. Form 70A of the Regulation is revoked.

26. Item 32 of Part II of Tariff A of the Regulation is revoked and the following substituted:

- 32. For copies of records, appeal books and compendiums, and factums, a reasonable amount.**

27. This Regulation comes into force on June 30, 2003.

RÈGLEMENT DE L'ONTARIO 19/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 17 octobre 2002
approuvé le 3 février 2003
déposé le 5 février 2003

modifiant le Règl. 194 des R.R.O. de 1990
(Règles de procédure civile)

Remarque : Le Règlement 194 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Le paragraphe 4.07 (3) du Règlement 194 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

Cahier et recueil d'appel

(3) Le cahier et recueil d'appel est relié des deux côtés avec une couverture de couleur chamois.

(2) Le paragraphe 4.07 (4) du Règlement est modifié par substitution de «cahier et recueil d'appel» à «cahier d'appel».

(3) Le paragraphe 4.07 (5.1) du Règlement est abrogé.

2. Le paragraphe 7.07 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) Si une partie à une action est incapable, elle ne peut être constatée en défaut en application de la règle 19.01 qu'avec l'autorisation d'un juge.

3. La Règle 7 du Règlement est modifiée par adjonction de la règle suivante :

DÉSISTEMENT PAR OU CONTRE LA PARTIE INCAPABLE

7.07.1 (1) Il ne peut y avoir désistement de l'action par ou contre une partie incapable en application de la règle 23.01 qu'avec l'autorisation d'un juge.

(2) L'avis d'une motion en autorisation visée au paragraphe (1) est signifié aux personnes suivantes :

- a) le tuteur à l'instance de la partie incapable;
- b) l'avocat des enfants, sauf si, selon le cas :
 - (i) le Tuteur et curateur public est le tuteur à l'instance,
 - (ii) un juge rend une ordonnance contraire.

4. Le paragraphe 16.05 (3.2) du Règlement est modifié par substitution de «cahier et recueil d'appel» à «cahier d'appel».

5. Le paragraphe 19.01 (4) du Règlement est abrogé et remplacé par ce qui suit :

Partie incapable

(4) Si une partie à une action est incapable, elle ne peut être constatée en défaut qu'avec l'autorisation d'un juge obtenue sur motion présentée en application de la règle 7.07.

6. Le paragraphe 23.01 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) Il ne peut y avoir désistement de l'action par ou contre une partie incapable qu'avec l'autorisation d'un juge obtenue sur motion présentée en application de la règle 7.07.1.

7. La règle 30.09 du Règlement est modifiée par substitution de «au moins 90 jours avant le début de l'instruction» à «dans les dix jours suivant l'inscription de l'action pour instruction».

8. La règle 37.02 du Règlement est modifiée par adjonction du paragraphe suivant :

Compétence du greffier

(3) Le greffier rend une ordonnance accordant la mesure de redressement demandée lors d'une motion visant l'obtention d'une ordonnance sur consentement si les conditions suivantes sont réunies :

- a) le consentement de toutes les parties (y compris celui de toute partie qui doit être jointe, radiée ou substituée) est déposé;
- b) il est déclaré dans le consentement qu'aucune partie visée par l'ordonnance n'est incapable;
- c) l'ordonnance demandée vise, selon le cas :
 - (i) la modification d'un acte de procédure, d'un avis de requête ou d'un avis de motion,
 - (ii) la jonction, la radiation ou la substitution d'une partie,
 - (iii) la révocation d'un procureur,
 - (iv) l'annulation de la constatation du défaut d'une partie,
 - (v) l'annulation d'un jugement par défaut,
 - (vi) la mainlevée d'un certificat d'affaire en instance,
 - (vii) le cautionnement pour dépens d'un montant précis,
 - (viii) la présence de nouveau d'un témoin pour qu'il réponde à des questions dans le cadre d'un interrogatoire,
 - (ix) le respect d'engagements donnés à un interrogatoire,
 - (x) le rejet de l'instance, avec ou sans dépens.

9. La règle 37.04 du Règlement est modifiée par substitution de «de la compétence d'un protonotaire ou d'un greffier» à «de la compétence d'un protonotaire».

10. Le paragraphe 59.02 (1) du Règlement est modifié par substitution de «cahier et recueil d'appel» à «dossier d'appel».

11. Le paragraphe 61.04 (3) du Règlement est abrogé et remplacé par ce qui suit :

Avis d'appel

(3) L'avis d'appel (formule 61A) précise ce qui suit :

- a) la mesure de redressement demandée;
- b) les moyens d'appel;
- c) le fondement de la compétence du tribunal d'appel, y compris les mentions suivantes :
 - (i) toute disposition d'une loi ou d'un règlement qui établit la compétence,
 - (ii) la question de savoir si l'ordonnance portée en appel est définitive ou interlocutoire,
 - (iii) la question de savoir si l'autorisation d'interjeter appel est nécessaire et, le cas échéant, si elle a été accordée,
 - (iv) les autres faits pertinents afin d'établir la compétence.

12. Le paragraphe 61.05 (4) du Règlement est modifié par substitution de «dans le cahier et recueil d'appel et dans les» à «aux dossiers d'appel et aux».

13. (1) Les sous-alinéas 61.09 (3) a) (i) et (ii) du Règlement sont abrogés et remplacés par ce qui suit :

- (i) le cahier et recueil d'appel visé à la règle 61.10,
- (ii) le dossier des pièces visé à la règle 61.10.1,

(2) Les sous-alinéas 61.09 (3) b) (i) et (ii) du Règlement sont abrogés et remplacés par ce qui suit :

- (i) trois copies du cahier et recueil d'appel, et si l'appel doit être entendu par cinq juges, deux copies supplémentaires,
- (ii) une copie du dossier des pièces,

(3) Le sous-alinéa 61.09 (3) c) (i) du Règlement est abrogé et remplacé par ce qui suit :

- (i) indiquant que le cahier et recueil d'appel, le dossier des pièces, les transcriptions, le cas échéant, et le mémoire de l'appelant ont été déposés,

(4) Le paragraphe 61.09 (4) du Règlement est abrogé et remplacé par ce qui suit :

Dispense

(4) Si cela est nécessaire dans l'intérêt de la justice, un juge du tribunal d'appel peut donner des directives particulières et modifier les règles régissant le cahier et recueil d'appel, le dossier des pièces, la transcription des témoignages et le mémoire de l'appelant.

14. La règle 61.10 du Règlement est abrogée et remplacée par ce qui suit :

CAHIER ET RECUEIL D'APPEL

61.10 (1) Le cahier et recueil d'appel comprend, dans des pages numérotées consécutivement, séparées par des

onglets numérotés et disposées de la façon suivante, ce qui suit :

- a) une table des matières décrivant chaque document selon sa nature et sa date;
- b) une copie de l'avis d'appel et de l'avis d'appel incident ou de l'avis supplémentaire d'appel ou d'appel incident;
- c) une copie de l'ordonnance ou de la décision portée en appel, telle qu'elle a été signée et inscrite;
- d) une copie de l'énoncé des motifs du tribunal ou du tribunal administratif dont l'ordonnance ou la décision est portée en appel et, si les motifs se présentent sous forme manuscrite, une copie supplémentaire tapée ou imprimée;
- e) si une ordonnance ou une décision antérieure a fait l'objet de l'audience devant le tribunal ou le tribunal administratif dont l'ordonnance ou la décision est portée en appel, une copie de l'ordonnance ou de la décision antérieure, telle qu'elle a été signée et inscrite, ainsi qu'une copie de l'énoncé des motifs de celle-ci, le cas échéant, et, si les motifs se présentent sous forme manuscrite, une copie supplémentaire tapée ou imprimée;
- f) une copie de la procédure écrite ou de l'avis de requête ou de tout autre document ayant introduit l'instance ou définissant les questions en litige dans celle-ci;
- g) une copie des extraits d'une transcription des témoignages auxquels il est fait référence dans le mémoire de l'appelant;
- h) une copie des pièces auxquelles il est fait référence dans le mémoire de l'appelant;
- i) une copie des autres documents pertinents pour l'audition de l'appel auxquels il est fait référence dans le mémoire de l'appelant;
- j) une copie des certificats ou de l'accord relatifs à la preuve, visés à la règle 61.05;
- k) une copie des ordonnances relatives au déroulement de l'appel;
- l) un certificat (formule 61H) signé par l'avocat de l'appelant, ou en son nom par une personne que l'avocat a expressément autorisée à ce faire, et certifiant que le contenu du cahier et recueil d'appel est complet et lisible.

(2) Le greffier peut refuser d'accepter un cahier et recueil d'appel qui ne répond pas aux directives des présentes règles ou qui est illisible.

15. La règle 61.10.1 du Règlement est abrogée et remplacée par ce qui suit :

DOSSIER DES PIÈCES

61.10.1 Le dossier des pièces comprend, dans des pages numérotées consécutivement, séparées par des ongles numérotés et disposées de la façon suivante, ce qui suit :

- a) une table des matières décrivant chaque pièce selon sa nature, sa date et son numéro ou sa lettre;

- b) tout affidavit présenté en preuve, y compris les pièces, que les parties n'ont pas convenu d'omettre;
- c) les transcriptions de témoignages utilisées lors d'une motion ou d'une requête et que les parties n'ont pas convenu d'omettre;
- d) une copie de toutes les pièces déposées à une audience ou cotées lors d'un interrogatoire et que les parties n'ont pas convenu d'omettre, présentées par ordre chronologique (ou, s'il y a plusieurs documents ayant des caractéristiques communes, groupées de la sorte par ordre chronologique) plutôt que par ordre numérique.

16. (1) L'alinéa 61.11 (1) c) du Règlement est abrogé et remplacé par ce qui suit :

- c) la troisième partie, qui comprend un résumé concis des faits se rapportant aux questions en litige dans l'appel, accompagné des renvois nécessaires à la transcription des témoignages et aux pièces;

(2) La règle 61.11 du Règlement est modifiée par adjonction du paragraphe suivant :

(1.1) Les renvois à la transcription des témoignages indiquent l'onglet, le numéro de page et la ligne du cahier et recueil d'appel. Les renvois aux pièces indiquent le numéro de page du dossier des pièces ainsi que l'onglet et le numéro de page du cahier et recueil d'appel.

17. La règle 61.12 du Règlement est abrogée et remplacée par ce qui suit :

MÉMOIRE ET RECUEIL DE L'INTIMÉ

Dépôt et signification

61.12 (1) Chaque intimé :

- a) signifie à chacune des autres parties à l'appel ce qui suit :
 - (i) une copie tapée ou imprimée de son mémoire,
 - (ii) son recueil;
- b) dépose auprès du greffier, avec la preuve de la signification :
 - (i) trois copies tapées ou imprimées de son mémoire et, si l'appel doit être entendu par cinq juges, deux copies supplémentaires,
 - (ii) trois copies de son recueil et, si l'appel doit être entendu par cinq juges, deux copies supplémentaires;
- c) dépose auprès du greffier une version électronique de son mémoire.

Délai de remise

(2) Le mémoire et le recueil de l'intimé sont remis dans les 60 jours suivant la signification du cahier et recueil d'appel, du dossier des pièces, de la transcription des témoignages, s'il y en a une, et du mémoire de l'appelant.

Contenu du mémoire de l'intimé

(3) Le mémoire de l'intimé est signé par son avocat ou en son nom par une personne que ce dernier a expressément autorisée à ce faire. Il se compose des éléments suivants :

- a) la première partie, qui comprend un exposé général concis énonçant la nature de la cause et des questions en litige;
- b) la deuxième partie, qui comprend un exposé des faits contenus dans le résumé des faits pertinents présentés par l'appelant et dont l'intimé reconnaît l'exactitude ainsi que de ceux avec lesquels il est en désaccord, et un résumé concis des faits supplémentaires invoqués, accompagné des renvois nécessaires à la transcription des témoignages et aux pièces;
- c) la troisième partie, qui présente la position de l'intimé sur chacune des questions soulevées par l'appelant, suivie immédiatement d'une argumentation concise portant sur les règles de droit et les éléments de doctrine et de jurisprudence pertinents;
- d) la quatrième partie, qui comprend un exposé des questions supplémentaires soulevées par l'intimé, chacune étant immédiatement suivie d'une argumentation concise portant sur les règles de droit et les éléments de doctrine et de jurisprudence pertinents;
- e) la cinquième partie, qui comprend un exposé de l'ordonnance demandée au tribunal d'appel, y compris l'ordonnance relative aux dépens;
- f) un certificat qui indique :
 - (i) d'une part, qu'une ordonnance prévue au paragraphe 61.09 (2) (dossier et pièces originaux) a été obtenue ou n'est pas nécessaire,
 - (ii) d'autre part, le temps (exprimé en heures ou en fractions d'heure) que l'avocat estime nécessaire à la présentation de sa plaidoirie, à l'exclusion de la réponse;
- g) l'annexe A, qui comprend une liste des éléments de doctrine et de jurisprudence auxquels il est fait référence;
- h) l'annexe B, qui comprend le texte de toutes les dispositions pertinentes des lois, des règlements et des règlements municipaux qui ne figurent pas dans l'annexe B du mémoire de l'appelant.

(4) Les renvois à la transcription des témoignages indiquent l'onglet, le numéro de page et la ligne du recueil de l'intimé. Les renvois aux pièces indiquent le numéro de page du dossier des pièces ainsi que l'onglet et le numéro de page du recueil de l'intimé.

(5) Les parties I à V sont présentées sous forme de dispositions numérotées consécutivement dans l'ensemble du mémoire.

Appels incidents

(6) Si l'intimé a signifié un avis d'appel incident en application de la règle 61.07 :

- a) l'intimé rédige un mémoire à titre d'appelant à l'appel incident et le remet avec le mémoire de l'intimé ou l'y intègre;
- b) l'appelant remet un mémoire à titre d'intimé à l'appel incident dans les 10 jours suivant la signification du mémoire de l'intimé.

Contenu du recueil de l'intimé

(7) Le recueil de l'intimé comprend, dans des pages numérotées consécutivement, séparées par des onglets numérotés et disposées de la façon suivante, ce qui suit :

- a) une table des matières décrivant chaque document selon sa nature et sa date;
- b) une copie des extraits d'une transcription des témoignages auxquels il est fait référence dans le mémoire de l'intimé;
- c) une copie des pièces auxquelles il est fait référence dans le mémoire de l'intimé;
- d) une copie des autres documents pertinents pour l'audition de l'appel auxquels il est fait référence dans le mémoire de l'intimé.

Dispense

(8) Si cela est nécessaire dans l'intérêt de la justice, un juge du tribunal d'appel peut donner des directives particulières et modifier les règles régissant le mémoire et le recueil de l'intimé.

18. La règle 61.12.1 du Règlement est abrogée.

19. Le paragraphe 61.13 (4) du Règlement est modifié par substitution de «cahier et recueil d'appel» à «dossier d'appel».

20. Le paragraphe 76.01 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) La procédure simplifiée prévue par la présente Règle ne s'applique pas :

- a) aux actions introduites en vertu de la *Loi de 1992 sur les recours collectifs*;
- b) aux actions introduites en vertu de la *Loi sur le privilège dans l'industrie de la construction*, sauf les actions relatives aux fiducies;
- c) aux actions introduites en vertu de la Règle 69, 70 ou 77.

21. La formule 4F du Règlement est modifiée par substitution de «Direction du droit constitutionnel, 4^e étage, 720, rue Bay» à «Direction du droit constitutionnel, 8^e étage, 720, rue Bay».

22. (1) La formule 30A du Règlement est modifiée par substitution de «(signature de l'avocat)» à «(signature du procureur)».

(2) La formule 30B du Règlement est modifiée par substitution de «(signature de l'avocat)» à «(signature du procureur)».

23. La formule 61A du Règlement est abrogée et remplacée par ce qui suit :

Formule 61A

Loi sur les tribunaux judiciaires

AVIS D'APPEL À UN TRIBUNAL D'APPEL

(titre conformément à la formule 61B)

AVIS D'APPEL

LE/LA (désigner la partie) INTERJETTE APPEL à la Cour d'appel (ou la Cour divisionnaire) du jugement (ou de l'ordonnance) de (nom du juge, de l'officier de justice ou du tribunal administratif) du (date) rendu à/au (lieu).

L'APPELANT(E) DEMANDE que le jugement soit annulé et que le jugement suivant soit rendu (ou que le jugement soit modifié de la façon suivante, ou la mention appropriée) : (Indiquer brièvement la mesure de redressement demandée.)

LES MOYENS D'APPEL sont les suivants : (Indiquer brièvement les moyens d'appel.)

LA COMPÉTENCE DU TRIBUNAL D'APPEL SE FONDE SUR CE QUI SUIV : (Exposer ce sur quoi se fonde la compétence du tribunal d'appel, y compris (i) toute disposition d'une loi ou d'un règlement qui établit la compétence, (ii) la question de savoir si l'ordonnance portée en appel est définitive ou interlocutoire, (iii) la question de savoir si l'autorisation d'interjeter appel est nécessaire et, le cas échéant, si elle a été accordée, et (iv) les autres faits pertinents afin d'établir la compétence.)

(Appels à la Cour divisionnaire) L'appelant(e) demande que l'appel soit entendu à/au (lieu).

(date)

(nom, adresse et numéros de téléphone et de télécopieur de l'avocat(e) de l'appelant(e) ou de l'appelant(e))

DESTINATAIRE : (nom et adresse de l'avocat(e) de l'intimé(c) ou de l'intimé(e))

24. La formule 61H du Règlement est modifiée :

a) par substitution de «le cahier et recueil d'appel» à «des dossiers d'appel» partout où figurent ces mots et par les changements grammaticaux qui en découlent;

b) par substitution de «est complet et lisible» à «sont complets et lisibles».

25. La formule 70A du Règlement est abrogée.**26. Le poste 32 de la deuxième partie du tarif A du Règlement est abrogé et remplacé par ce qui suit :**

32. Pour les copies des dossiers, des cahiers et recueils d'appel et des mémoires, un montant raisonnable.

27. Le présent règlement entre en vigueur le 30 juin 2003.

8/03

ONTARIO REGULATION 20/03

made under the

CHARITABLE INSTITUTIONS ACT

Made: February 3, 2003

Filed: February 5, 2003

**PRESCRIBED PAYMENT PER BED —
CLAUSE 6 (a) OF THE ACT****Prescribed amount**

1. The prescribed amount per bed for the purposes of clause 6 (a) of the Act is an amount not exceeding \$50,000.

Commencement

2. This Regulation shall be deemed to have come into force on June 1, 2002.

8/03

ONTARIO REGULATION 21/03

made under the

NURSING HOMES ACT

Made: February 3, 2003

Filed: February 5, 2003

Amending Reg. 832 of R.R.O. 1990
(General)

Note: Regulation 832 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 105 of Regulation 832 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(4) Nursing homes that are constructed or renovated in accordance with the design manual and the building code made under the *Building Code Act, 1992* are exempt from clause 33 (3) (a) and subsection 40 (6) of this Regulation.

8/03

ONTARIO REGULATION 22/03

made under the

**ALCOHOL AND GAMING REGULATION
AND PUBLIC PROTECTION ACT, 1996**

Made: February 3, 2003

Filed: February 5, 2003

Amending O. Reg. 61/98

(Assignment of Powers and Duties — Liquor Licence Act)

Note: Ontario Regulation 61/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 61/98 is revoked.

2. The Table to the Regulation is revoked and the following substituted:

TABLE

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
1.	Subsection 6 (4.2)	Reference to Board — consideration of financial relationship and public interest	Registrar

RÈGLEMENT DE L'ONTARIO 22/03

pris en application de la

**LOI DE 1996 SUR LA RÉGLEMENTATION
DES ALCOOLS ET DES JEUX ET LA
PROTECTION DU PUBLIC**

pris le 3 février 2003
déposé le 5 février 2003

modifiant le Règl. de l'Ont. 61/98
(Attribution des pouvoirs et des fonctions —
Loi sur les permis d'alcool)

Remarque : Le Règlement de l'Ontario 61/98 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. L'article 1 du Règlement de l'Ontario 61/98 est abrogé.

2. Le tableau du Règlement est abrogé et remplacé par ce qui suit :

TABLEAU

N°	COLONNE 1	COLONNE 2	COLONNE 3
1.	Paragraphe 6 (4.2)	Mention de la Commission — examen de la relation financière et de l'intérêt public	Registraire

3. Le présent règlement entre en vigueur le 28 février 2003.

8/03

ONTARIO REGULATION 23/03

made under the

ALCOHOL AND GAMING REGULATION AND PUBLIC PROTECTION ACT, 1996

Made: February 3, 2003
Filed: February 5, 2003

Revoking O. Reg. 60/98
(Assignment of Powers and Duties —
Gaming Control Act, 1992)

1. Ontario Regulation 60/98 is revoked.
2. This Regulation comes into force on February 28, 2003.

RÈGLEMENT DE L'ONTARIO 23/03

pris en application de la

LOI DE 1996 SUR LA RÉGLEMENTATION DES ALCOOLS ET DES JEUX ET LA PROTECTION DU PUBLIC

pris le 3 février 2003
déposé le 5 février 2003

abrogeant le Règl. de l'Ont. 60/98
(Attribution des pouvoirs et des fonctions —
Loi de 1992 sur la réglementation des jeux)

1. Le Règlement de l'Ontario 60/98 est abrogé.
2. Le présent règlement entre en vigueur le 28 février 2003.

8/03

ONTARIO REGULATION 24/03

made under the

SAFETY AND CONSUMER STATUTES ADMINISTRATION ACT, 1996

Made: February 3, 2003
Filed: February 5, 2003

Amending O. Reg. 159/97
(Administration of Various Acts)

Note: Ontario Regulation 159/97 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 159/97 is amended by adding the following paragraph:

5. Section 113 of the *Electricity Act, 1998*.

2. Section 6 of the Regulation is revoked and the following substituted:

6. For the purposes of subsection 3 (2) of the Act, the Electrical Safety Authority, that is incorporated under the laws of the Province of Ontario by letters patent dated January 12, 1999 and with which the Minister of Consumer and Business Services has entered into an administrative agreement dated March 11, 1999 for the purposes of section 4 of the Act, is designated as the sole administrative authority for the purposes of administering the legislative provision designated by paragraph 5 of section 1.

8/03

ONTARIO REGULATION 25/03

made under the

BUSINESS REGULATION REFORM ACT, 1994

Made: February 3, 2003
Filed: February 5, 2003

Amending O. Reg. 442/95
(General)

Note: Ontario Regulation 442/95 has not previously been amended.

1. (1) Section 1 of Ontario Regulation 442/95 is amended by adding the following paragraph:

1.1 The *Corporations Tax Act*.

(2) Paragraph 4 of section 1 of the Regulation is revoked and the following substituted:

4. The *Workplace Safety and Insurance Act, 1997*.

2. (1) Clause 2 (1) (a) of the Regulation is revoked and the following substituted:

(a) register a name or an amendment or cancellation of a registration under the *Business Names Act*;

(2) **Clause 2 (1) (c) of the Regulation is amended by striking out "or" at the end.**

(3) **Clause 2 (1) (d) of the Regulation is revoked and the following substituted:**

(d) comply with the requirements of section 75 of the *Workplace Safety and Insurance Act, 1997*; or

(e) record a change in information that is required to be filed under the *Corporations Tax Act*, the *Employer Health Tax Act*, or the *Retail Sales Tax Act*.

(4) **Subsection 2 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(2) Subject to subsections (3) and (4), a business that files a unified form in accordance with this Regulation is not required to,

(5) **Clause 2 (2) (a) of the Regulation is revoked and the following substituted:**

(a) complete a form to register a name or an amendment or cancellation of a registration under the *Business Names Act*;

(6) **Clause 2 (2) (c) of the Regulation is amended by striking out "or" at the end.**

(7) **Clause 2 (2) (d) of the Regulation is revoked and the following substituted:**

(d) comply with the requirements of section 75 of the *Workplace Safety and Insurance Act, 1997*; or

(e) complete a form to record a change in information filed under the *Corporations Tax Act*, the *Employer Health Tax Act* or the *Retail Sales Tax Act*.

(8) **Subsection 2 (3) of the Regulation is amended by striking out "*Workers' Compensation Act*" and substituting "*Workplace Safety and Insurance Act, 1997*".**

(9) **Subsection 2 (4) of the Regulation is revoked and the following substituted:**

(4) The Workplace Safety and Insurance Board may require a business that files a unified form in accordance with this Regulation to provide such additional information that the Board requires for the purposes of the *Workplace Safety and Insurance Act, 1997*.

(10) **Clause 2 (5) (b) of the Regulation is amended by adding the following item:**

19. The business identification number assigned to the registration for the purposes of the *Business Names Act*.

3. (1) **Subsection 4 (3) of the Regulation is amended by striking out "*Workers' Compensation Act*" wherever that expression occurs and substituting in each case "*Workplace Safety and Insurance Act, 1997*".**

(2) **Subsection 4 (4) of the Regulation is revoked and the following substituted:**

(4) If a business has a business number under this section and files a form to file under the *Workplace Safety and Insurance Act, 1997*, the Workplace Safety and Insurance Board may discontinue any other system of business identification for the filing of the business under that Act.

4. **Subsection 5 (2) of the Regulation is revoked and the following substituted:**

(2) In subsection (1),

"tax information" means information in respect of a business that is required solely for the purpose of the *Corporations Tax Act*, the *Employer Health Tax Act*, the *Retail Sales Tax Act* or all of them.

5. **Section 6 of the Regulation is amended by striking out "*Workers' Compensation Act*" and substituting "*Workplace Safety and Insurance Act, 1997*".**

8/03

ONTARIO REGULATION 26/03

made under the

FINANCIAL ADMINISTRATION ACT

Made: February 3, 2003

Filed: February 5, 2003

NON-CASH EXPENSES

Definition

1. For the purposes of the definition of "non-cash expense" in section 1 of the Act,

"non-cash expense" means the amount recognized as an expense in a fiscal year on account of any of the following:

1. The reduction of a prepaid expense.
2. Amortization of a capital asset.
3. A loss on the disposition of a capital asset.
4. A loss on the unusual loss of a capital asset.
5. Bad debt expense.
6. Imputed interest on a loan bearing interest below the prevailing market rate.

Statutory appropriation for certain non-cash expenses

2. Non-cash expenses described in paragraphs 2, 4 and 5 of the definition of "non-cash expense" in section 1 are prescribed for the purposes of subsection 11.1 (3) of the Act.

Commencement

3. This Regulation comes into force on April 1, 2003.

8/03

ONTARIO REGULATION 27/03

made under the

RETAIL SALES TAX ACT

Made: February 3, 2003
Filed: February 5, 2002

Amending Reg. 1013 of R.R.O. 1990
(General)

Note: Regulation 1013 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 9 (1) of Regulation 1013 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(1) Initiation and underwriting fees in respect of mortgage insurance are prescribed underwriting fees for the purposes of clause (a) of the definition of "premium" in subsection 1 (1) of the Act.

2. This Regulation shall be deemed to have come into force on July 1, 2001.

8/03

ONTARIO REGULATION 28/03

made under the

FAIRNESS IS A TWO-WAY STREET ACT (CONSTRUCTION LABOUR MOBILITY), 1999

Made: February 6, 2003
Filed: February 6, 2003

EXEMPTIONS — VARIOUS

Exemptions from Act

1. The following are exempt from the Act:

1. SNC-Lavalin Profac Inc.
2. Profac Realty Consulting Services Inc.
3. SNC-Lavalin Pharma Inc.
4. Pellemon Inc.

BRAD CLARK
Minister of Labour

Dated on February 6, 2003.

8/03

ONTARIO REGULATION 29/03

made under the

EDUCATION ACT

Made: February 3, 2003
Filed: February 7, 2003

Amending O. Reg. 466/97
(Borrowing for Permanent Improvements:
Issuance of Debentures)

Note: Ontario Regulation 466/97 has not previously been amended.

1. Section 13 of Ontario Regulation 466/97 is revoked and the following substituted:

13. A reference in this Regulation to the *Municipal Act* is a reference to that Act as it read on December 31, 2002.

2. This Regulation comes into force on the later of January 1, 2003 and the day it is filed.

RÈGLEMENT DE L'ONTARIO 29/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 3 février 2003
déposé le 7 février 2003

modifiant le Règl. de l'Ont. 466/97

(Emprunts aux fins d'améliorations permanentes :
émission de débetures)

Remarque : Le Règlement de l'Ontario 466/97 n'a pas été modifié antérieurement.

1. L'article 13 du Règlement de l'Ontario 466/97 est abrogé et remplacé par ce qui suit :

13. La mention dans le présent règlement de la *Loi sur les municipalités* vaut mention de cette loi telle qu'elle existait le 31 décembre 2002.

2. Le présent règlement entre en vigueur le 1^{er} janvier 2003 ou, si celui-ci lui est postérieur, le jour de son dépôt.

8/03

ONTARIO REGULATION 30/03

made under the

HIGHWAY 407 ACT, 1998

Made: December 18, 2002

Filed: February 7, 2003

Amending O. Reg. 138/00

(General)

Note: Ontario Regulation 138/00 has not previously been amended.

1. Subsection 6 (1) of Ontario Regulation 138/00 is amended by striking out “within three days” and substituting “within seven days”.

2. Section 11 of the Regulation is revoked.

8/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—03—01

ONTARIO REGULATION 31/03

made under the

LAND REGISTRATION REFORM ACT

Made: December 12, 2001
Filed: February 10, 2003

Amending O. Reg. 16/99
(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03 and 7/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Huron (No. 22)	February 10, 2003

NORMAN W. STERLING
Minister of Consumer and Business Services

Dated on December 12, 2001.

9/03

ONTARIO REGULATION 32/03

made under the

LAND REGISTRATION REFORM ACT

Made: December 12, 2001
Filed: February 10, 2003

Amending O. Reg. 16/99
(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03 and 31/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Perth (No. 44)	February 10, 2003

NORMAN W. STERLING
Minister of Consumer and Business Services

Dated on December 12, 2001.

9/03

ONTARIO REGULATION 33/03

made under the

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

Made: November 25, 2002
Approved: December 18, 2002
Filed: February 11, 2003

Amending Reg. 771 of R.R.O. 1990
(Colleges of Applied Arts and Technology — Colleges)

Note: Regulation 771 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 5 of Regulation 771 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

THE CONESTOGA COLLEGE INSTITUTE OF
TECHNOLOGY AND ADVANCED LEARNING

5. The college of applied arts and technology known as "The Conestoga College of Applied Arts and Technology" is continued as "The Conestoga College Institute of Technology and Advanced Learning" for the area comprised of the geographic areas of the upper-tier municipalities of Huron, Perth, Waterloo and Wellington and the geographic areas of the local municipalities of Guelph, St. Marys and Stratford.

2. Section 12 of the Regulation is revoked and the following substituted:

THE HUMBER COLLEGE INSTITUTE OF TECHNOLOGY
AND ADVANCED LEARNING

12. The college of applied arts and technology known as "The Humber College of Applied Arts and Technology" is continued as "The Humber College Institute of

Technology and Advanced Learning” for the area comprised of the parts of the geographic area of the City of Toronto which, on December 31, 1997, were included in the geographic areas of the former City of Etobicoke and the former City of York.

3. Section 21 of the Regulation is revoked and the following substituted:

**THE SHERIDAN COLLEGE INSTITUTE OF TECHNOLOGY
AND ADVANCED LEARNING**

21. The college of applied arts and technology known as “The Sheridan College of Applied Arts and Technology” is continued as “The Sheridan College Institute of Technology and Advanced Learning” for the area comprised of the geographic areas of the upper-tier municipalities of Halton and Peel.

DIANNE CUNNINGHAM
Minister of Training, Colleges and Universities

Made on November 25, 2002.

9/03

ONTARIO REGULATION 34/03

made under the

**ONTARIO COLLEGES OF APPLIED ARTS
AND TECHNOLOGY ACT, 2002**

Made: December 18, 2002
Filed: February 11, 2003

GENERAL

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INTERPRETATION

Definitions

1. In this Regulation,

“academic staff member” means a person who is employed by the board of governors as a teacher, counsellor or librarian; (“membre du corps enseignant”)

“administrative staff member” means a person who is employed by the board of governors and who is not an academic staff member, a support staff member or a student; (“membre du personnel administratif”)

“Council” means the College Compensation and Appointments Council established under section 13; (“Conseil”)

“Council of Regents” means the Council of Regents established under section 5 of the *Ministry of Training, Colleges and Universities Act*; (“Conseil des affaires collégiales”)

“program of instruction” means a group of related courses leading to a diploma, certificate or other document awarded by the board of governors; (“programme d'enseignement”)

“student” means a person who is enrolled in a course or program of instruction in a college; (“étudiant”)

“support staff member” means a person who is employed by the board of governors as a member of the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria or nursery staff. (“membre du personnel de soutien”).

COLLEGES OF APPLIED ARTS AND TECHNOLOGY

Colleges established

2. (1) The following colleges are established:

1. The Algonquin College of Applied Arts and Technology.
2. The Cambrian College of Applied Arts and Technology.
3. The Canadore College of Applied Arts and Technology.
4. The Centennial College of Applied Arts and Technology.
5. Collège Boréal d'arts appliqués et de technologie.

6. Collège d'arts appliqués et de technologie La Cité collégiale.
7. Collège d'arts appliqués et de technologie des Grands Lacs.
8. The Conestoga College Institute of Technology and Advanced Learning.
9. The Confederation College of Applied Arts and Technology.
10. The Durham College of Applied Arts and Technology.
11. The Fanshawe College of Applied Arts and Technology.
12. The George Brown College of Applied Arts and Technology.
13. The Georgian College of Applied Arts and Technology.
14. The Humber College Institute of Technology and Advanced Learning.
15. The Lambton College of Applied Arts and Technology.
16. The Loyalist College of Applied Arts and Technology.
17. The Mohawk College of Applied Arts and Technology.
18. The Niagara College of Applied Arts and Technology.
19. The Northern College of Applied Arts and Technology.
20. The St. Clair College of Applied Arts and Technology.
21. The St. Lawrence College of Applied Arts and Technology.
22. The Sault College of Applied Arts and Technology.
23. The Sheridan College Institute of Technology and Advanced Learning.
24. The Seneca College of Applied Arts and Technology.
25. The Sir Sandford Fleming College of Applied Arts and Technology.

(2) The boards of governors of the colleges referred to in subsection (1) as they were constituted immediately before this Regulation comes into force shall be deemed to be established in accordance with this Regulation when this Regulation comes into force.

Grants to French language colleges

3. (1) It is a condition of the payment of legislative grants to a French language college that, except for instruction of English as a second language,

- (a) all programs and services offered by the college that are funded in whole or in part through provin-

cial government general purpose operating grants shall be offered only in French; and

- (b) all programs and services delivered by the college on behalf of the provincial government shall be delivered only in French.

(2) No English language college may provide French language programs and services, except for instruction of French as a second language, unless the college has entered into a joint agreement in writing with all of the French language colleges.

- (3) In this section,

"English language college" means any college named in this Regulation other than a French language college;

"French language college" means the college known as Collège d'arts appliqués et de technologie La Cité collégiale, the college known as Collège d'arts appliqués et de technologie des Grands Lacs or the college known as Collège Boréal d'arts appliqués et de technologie.

BOARDS OF GOVERNORS

Composition of boards of governors

4. (1) A board of governors of a college shall be composed of,

- (a) an even number of members, as established by the by-laws of the board of governors, but shall be composed of not less than 12 and not more than 20 members exclusive of the president and members elected under clause (c);
- (b) the president of the college, by virtue of office, as a voting member; and
- (c) one student, one academic staff member, one administrative staff member and one support staff member, each of whom shall be elected by the students or by the relevant staff group.

(2) The Council shall appoint the members of the board of governors of a college except the president, who is a member by virtue of office, and the members elected under clause (1) (c).

(3) No member appointed under subsection (2) shall be an employee or a student or a spouse or same-sex partner of an employee or student of a college of applied arts and technology.

(4) A college board of governors is not improperly constituted solely because the students or a staff group referenced in clause (1) (c) choose not to exercise the right to elect a member under clause (1) (c).

(5) No person shall be a member of the college board of governors under clause (1) (c) unless the person is duly elected in accordance with procedures established by the board after consultation with the students and with the staff referenced in clause (1) (c) and set out in a by-law of the board.

(6) A member of a board of governors appointed under subsection (2) or elected under clause (1) (c), other than a member elected by the students, shall hold office for a term not to exceed three years and shall not serve for

more than six years consecutively but is eligible for reappointment or re-election, as the case may be, after two years absence from the board for successive terms not to exceed six years in total.

(7) A member of the board of governors elected by the students under clause (1) (c) shall hold office for a term not to exceed two years and shall not serve for more than four years consecutively but is eligible for re-election after two years absence from the board for successive terms not to exceed four years in total.

(8) The members of a board of governors shall take office on the 1st day of September in the year of their appointment or election, as the case may be.

(9) For purposes of this section,

“same-sex partner” means a same-sex partner within the meaning of section 29 of the *Family Law Act*; (“partenaire de même sexe”) and

“spouse” means a spouse within the meaning of section 29 of the *Family Law Act*. (“conjoint”)

Procedure for boards of governors

5. (1) A quorum for a board of governors meeting is not less than two-thirds of the total board membership.

(2) The board of governors shall, in accordance with its by-laws, annually or every two years elect a chair and vice-chair from among its members appointed under subsection 4 (2) and the chair and vice-chair are eligible for re-election.

(3) Each board of governors shall keep records and minutes of its proceedings that accurately reflect the proceedings of the board.

(4) The by-laws of a board of governors,

- (a) shall be open to examination by the public during the normal office hours of the college; and
- (b) wherever possible, shall be available to the public at no charge on a web site on the Internet.

(5) Subject to subsections (6) and (7), all meetings of a board of governors shall be open to the public and prior notice of the meeting shall be given to the members of the board of governors and to the public in such manner as the board of governors by by-law shall determine, and no person shall be excluded from a meeting except for improper conduct as determined by the board of governors.

(6) Where a matter determined by a board of governors to be confidential to the college in accordance with criteria established by by-law is to be considered, the part of the meeting concerning such confidential matter may be closed to the public.

(7) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be closed to the public unless such individual requests and the board of governors agrees that that part of the meeting be open to the public.

Removal of member

6. (1) Every board of governors shall establish a by-law that sets out the reasons for removing a member from the board and the procedure that is to be followed in removing such a member.

(2) A by-law made under subsection (1) does not apply to the president of the college who is a member of the board of governors by virtue of office.

(3) The board of governors may remove a member from the board, other than the president, for a reason set out in the by-law established under subsection (1) and in accordance with the procedure set out in the by-law.

(4) On application by the person, the Council may review a decision to remove the person from the board of governors.

(5) The Council's review under subsection (4) is limited to determining whether the removal was for a reason set out in the by-law established under subsection (1) and in accordance with procedure established in the by-law and does not include a review of whether the board of governors was correct in removing the member.

(6) The decision of the Council under subsection (4) on whether the decision of the board was made for a reason set out in the by-law established under subsection (1) and in accordance with the procedure established in the by-law is final and binding.

Vacancies

7. (1) Where a vacancy occurs among the members of a board of governors elected under clause 4 (1) (c), the students or the staff referenced in clause 4 (1) (c), as the case may be, shall in accordance with the by-law established under subsection 4 (5) elect a new member.

(2) Where a vacancy occurs among the members of a board of governors appointed under subsection 4 (2), the Council shall appoint a person to fill the vacancy.

(3) The term of a member elected under subsection (1) or appointed under subsection (2),

- (a) commences on the date of the election or appointment, as the case may be;
- (b) subject to clause (c), shall be of the same length as a member appointed under subsection 4 (2) or elected under clause 4 (1) (c); and
- (c) shall terminate on August 31 of the year in which the term ends.

(4) Where a person elected to the board under clause 4 (1) (c) ceases temporarily or permanently to be a student, academic staff member, administrative staff member or support staff member, as the case may be, the person ceases to be a member of the board.

(5) Despite subsection (4), a student elected under clause 4 (1) (c) who graduates prior to the expiration of the student's term may remain a member of the board until August 31 in the year of his or her graduation.

Strategic plan, business plan and annual report

8. (1) The board of governors of each college shall submit a strategic plan, a business plan and an annual

report or any combination of them as the Minister directs to the Minister.

(2) The board of governors of a college,

(a) shall compile key performance indicators as identified by the Minister and provide such indicators to the Minister or to another person as directed by the Minister; and

(b) shall publish such indicators as may be required by the Minister.

(3) The board of governors of a college shall ensure that a plan or report submitted under subsection (1) is available to the public.

(4) The Minister may require a college to enter into an accountability agreement relating to the strategic plan to address such aspects of college operations as may be identified by the Minister.

(5) The accountability agreement may recognize differentiation in college mandates or roles.

Balanced budget

9. (1) The board of governors of a college shall ensure that the college balances its budget every year.

(2) If it appears that a college will not balance its budget in a year and that an accumulated deficit will occur, the board of governors of the college shall seek the Minister's approval in respect of the budget and shall provide the Minister with an appropriate recovery plan as directed by the Minister.

Allowances for board members

10. (1) A board of governors may approve allowances for board members for travelling and living expenses incurred by members while engaged in the business of the board, but members shall otherwise not be remunerated by the board for undertaking the responsibilities of a board member.

(2) For the purposes of this section, a member of the board of governors of a college includes a member of a committee or sub-committee of the board.

ADMISSIONS, DIPLOMAS, ETC.

Admissions

11. (1) A person who applies for admission to a program of instruction shall be considered for admission to an appropriate program of instruction if the person,

(a) is the holder of an Ontario Secondary School Diploma or its equivalent;

(b) is 19 years of age or older on or before the commencement of the program in which the student intends to enrol; or

(c) does not meet the criteria set out in clauses (a) and (b) but is the holder of an admission requirement established by the board of governors for a specific program of instruction.

(2) The requirement set out in subsection (1) may be subject to the criteria set out in the college's central

admission publication with respect to a particular program of instruction.

Categories of diplomas, etc.

12. The categories of diplomas, certificates or other documents awarded by a board of governors attesting to the attendance or completion of a course or program of instruction are subject to the approval of the Minister.

COLLEGE COMPENSATION AND APPOINTMENTS COUNCIL

College Compensation and Appointments Council

13. (1) A council known in English as the College Compensation and Appointments Council and in French as Conseil de la rémunération et des nominations dans les collèges is hereby established.

(2) The Council shall,

(a) perform the duties assigned to it under the *Colleges Collective Bargaining Act*;

(b) subject to subsection 6 (3) and clause 15 (1) (c), appoint members of college boards of governors pursuant to subsection 4 (2);

(c) consider applications for review under subsection 6 (4) from any person who is removed as a member from a college board of governors;

(d) establish, in consultation with college boards of governors, the terms and conditions of insured benefit plans for college staff members whether or not they are members of bargaining units under the *Colleges Collective Bargaining Act* and shall be the policy holder for the benefit plans; and

(e) perform such other duties as may be assigned to it from time to time by the Minister.

(3) The Council shall be composed of such members as may be appointed to it by the Lieutenant Governor in Council.

(4) The Council shall establish, on behalf of college boards of governors and in consultation with them, the terms and conditions of employment, except for insured benefit plans and pensions, for all administrative staff members who are not members of bargaining units under the *Colleges Collective Bargaining Act* until the Minister accepts in writing a recommendation from a college board of governors that it establish the terms and conditions of employment for members of its own administrative staff who are not members of bargaining units under the *Colleges Collective Bargaining Act*.

(5) Despite a written acceptance from the Minister under subsection (4), a college shall not negotiate in respect of insured benefits and pensions.

(6) Any terms and conditions of employment for administrative staff members of colleges who are not members of bargaining units under the *Colleges Collective Bargaining Act* established by the Council of Regents immediately before the day this Regulation comes into force shall continue and shall bind the college that employs such staff until the Council or the college, as the

case may be, establishes new terms and conditions of employment for such staff.

(7) Despite subsection (3), the members of the Council of Regents immediately before the day this Regulation comes into force shall be deemed to be the members of the Council on the same terms and subject to the same conditions as their appointments to the Council of Regents.

INSURED BENEFITS AND COLLEGE PENSIONS

College of Applied Arts and Technology Pension Plan

14. (1) All colleges shall participate in the College of Applied Arts and Technology Pension Plan established pursuant to the Sponsorship and Trust Agreement signed between December 19, 1994 and January 3, 1995 between the colleges and the Ontario Public Service Employees Union.

(2) The Council shall be deemed to be the policy holder for any insured benefit plans for college staff members for which the Council of Regents was the policy holder immediately before the day this Regulation came into force.

(3) All colleges shall participate in the insured benefits plans for college staff members for which the Council is the deemed policy holder under subsection (2) or which are established by the Council under clause 13 (2) (d).

MINISTER'S INTERVENTION

Minister's intervention

15. (1) Where the Minister is of the opinion that an intervention into the affairs of a college under section 5 of the Act is necessary, the Minister may,

- (a) appoint a person to investigate the activities of the college and to advise the Minister whether, in his or her opinion, the appointment of an administrator is in the public interest and is needed to ensure that the college continues to provide service in accordance with applicable Acts and the regulations made under them and policy directives;
- (b) issue such policy directives under section 4 of the Act as the Minister considers advisable and require the board of governors to comply with the directives within a specified period of time;
- (c) remove some or all board members appointed under subsection 4 (2) temporarily or permanently; and
- (d) appoint a person to temporarily administer the business and affairs of the college, subject to such conditions and restrictions as the Minister may impose upon the administrator.

(2) If a college is subject to an investigation under clause (1) (a) or to administration under clause (1) (d), the investigator or administrator shall have access at all times to the records of the college including, but not limited to, the by-laws, minute books, books of account, vouchers and other records relating to the college's financial transactions.

(3) An investigator appointed under clause (1) (a) or an administrator appointed under clause (1) (d) may inspect the records of the college and may copy the records.

(4) Subject to any conditions or restrictions that the Minister may have imposed, the administrator has all of the powers of the board of governors of the college and may exercise them for the purpose of managing the business and affairs of the college, ensuring that the college carries out its objects and performing such other duties as may be specified by the Minister.

(5) The board of governors of the college cannot exercise any of its powers, except powers that are explicitly reserved to it through conditions or restrictions imposed by the Minister on the administrator, while the administrator holds office.

(6) If a college is subject to administration under clause (1) (d), the actions taken by the administrator to manage the business and affairs of the college shall be deemed to have been done by and for the college and in its name.

(7) The Minister may terminate the administrator's appointment when the Minister is satisfied that the appointment is no longer in the public interest or as the Minister otherwise considers appropriate.

(8) The administrator shall report to the Minister as required by the Minister.

(9) The Minister may issue directions to the administrator with regard to any matter within the jurisdiction of the administrator and the administrator shall carry out the directions.

(10) The Minister has exclusive jurisdiction over all matters arising under this section or out of the exercise by any person of the powers conferred under this section and the Minister's actions are determinative and are not subject to review by a court.

(11) The *Statutory Powers Procedure Act* does not apply to anything done by the Minister or by an administrator under this section.

(12) No proceeding shall be commenced against the Crown or the Minister with respect to the appointment of an administrator or investigator under this section.

Immunity from liability

16. (1) No action or other proceeding for damages or otherwise shall be instituted against an administrator or investigator appointed under section 15 for any act done in good faith in the execution or intended execution of any duty or authority under this Regulation or for any alleged neglect or default in execution in good faith of any such duty or authority.

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an administrator or investigator to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in the same manner as if subsection (1) had not been enacted.

COMMENCEMENT

Commencement

17. This Regulation comes into force on the day section 8 of the *Ontario Colleges of Applied Arts and Technology Act, 2002* is proclaimed in force.

RÈGLEMENT DE L'ONTARIO 34/03

pris en application de la

LOI DE 2002 SUR LES COLLÈGES D'ARTS APPLIQUÉS ET DE TECHNOLOGIE DE L'ONTARIO

pris le 18 décembre 2002

déposé le 11 février 2003

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DÉFINITIONS

Définitions

1. Les définitions qui suivent s'appliquent au présent règlement.

«Conseil» Le Conseil de la rémunération et des nominations dans les collèges créé en application de l'article 13. («Council»)

«Conseil des affaires collégiales» Le Conseil des affaires collégiales créé en application de l'article 5 de la *Loi sur le ministère de la Formation et des Collèges et Universités*. («Council of Regents»)

«étudiant» Personne inscrite à un cours ou un programme d'enseignement dans un collège. («student»)

«membre du corps enseignant» Personne employée par le conseil d'administration à titre d'enseignant, de conseiller ou de bibliothécaire. («academic staff member»)

«membre du personnel administratif» Personne qui est employée par le conseil d'administration et qui n'est ni un membre du corps enseignant, ni un membre du personnel de soutien, ni un étudiant. («administrative staff member»)

«membre du personnel de soutien» Personne employée par le conseil d'administration à titre de membre du personnel de bureau, de secrétariat, technique, des soins de santé, d'entretien, du service des bâtiments, d'expédition, du transport, de cafétéria ou de garderie. («support staff member»)

«programme d'enseignement» Groupe de cours connexes qui mènent à l'obtention d'un diplôme, d'un certificat ou d'un autre document décerné par le conseil d'administration. («program of instruction»)

COLLÈGES D'ARTS APPLIQUÉS ET DE TECHNOLOGIE

Ouverture de collèges

2. (1) Sont ouverts les collèges suivants :

1. L'Algonquin College of Applied Arts and Technology.

2. Le Cambrian College of Applied Arts and Technology.

3. Le Canadore College of Applied Arts and Technology.

4. Le Centennial College of Applied Arts and Technology.

5. Le Collège Boréal d'arts appliqués et de technologie.

6. Le Collège d'arts appliqués et de technologie La Cité collégiale.

7. Le Collège d'arts appliqués et de technologie des Grands Lacs.

8. Le Conestoga College Institute of Technology and Advanced Learning.

9. Le Confederation College of Applied Arts and Technology.

10. Le Durham College of Applied Arts and Technology.
11. Le Fanshawe College of Applied Arts and Technology.
12. Le George Brown College of Applied Arts and Technology.
13. Le Georgian College of Applied Arts and Technology.
14. Le Humber College Institute of Technology and Advanced Learning.
15. Le Lambton College of Applied Arts and Technology.
16. Le Loyalist College of Applied Arts and Technology.
17. Le Mohawk College of Applied Arts and Technology.
18. Le Niagara College of Applied Arts and Technology.
19. Le Northern College of Applied Arts and Technology.
20. Le St. Clair College of Applied Arts and Technology.
21. Le St. Lawrence College of Applied Arts and Technology.
22. Le Sault College of Applied Arts and Technology.
23. Le Sheridan College Institute of Technology and Advanced Learning.
24. Le Seneca College of Applied Arts and Technology.
25. Le Sir Sandford Fleming College of Applied Arts and Technology.

(2) Les conseils d'administration des collèges visés au paragraphe (1), tels qu'ils étaient constitués immédiatement avant l'entrée en vigueur du présent règlement, sont réputés être constitués conformément au présent règlement au moment de son entrée en vigueur.

Subventions aux collèges de langue française

3. (1) Sauf pour l'enseignement de l'anglais langue seconde, le versement de subventions générales à un collège de langue française est assujéti aux conditions suivantes :

- a) les programmes et services offerts par le collège qui sont financés en tout ou en partie par des subventions de fonctionnement à des fins générales octroyées par le gouvernement provincial ne sont offerts qu'en français;
- b) les programmes et services offerts par le collège pour le compte du gouvernement provincial ne sont offerts qu'en français.

(2) Sauf pour l'enseignement du français langue seconde, nul collège de langue anglaise ne peut offrir de programmes et de services en français à moins d'avoir conclu une entente mixte écrite avec tous les collèges de langue française.

(3) Les définitions qui suivent s'appliquent au présent article.

«collège de langue anglaise» Tout collège mentionné dans le présent règlement qui n'est pas un collège de langue française. («English language college»)

«collège de langue française» Le Collège d'arts appliqués et de technologie La Cité collégiale, le Collège d'arts appliqués et de technologie des Grands Lacs ou le Collège Boréal d'arts appliqués et de technologie. («French language college»)

CONSEILS D'ADMINISTRATION

Composition des conseils d'administration

4. (1) Le conseil d'administration d'un collège se compose des personnes suivantes :

- a) un nombre pair de membres fixé par règlement administratif du conseil d'administration et compris entre 12 et 20, sans compter le président et les membres élus en application de l'alinéa c);
- b) le président du collège, d'office, en qualité de membre avec voix délibérative;
- c) un étudiant, un membre du corps enseignant, un membre du personnel administratif et un membre du personnel de soutien, dont chacun est élu par le groupe pertinent.

(2) Le Conseil nomme les membres du conseil d'administration d'un collège, à l'exception du président, qui est membre d'office, et des membres élus en application de l'alinéa (1) c).

(3) Nul membre nommé en application du paragraphe (2) ne peut être un employé, un étudiant ou le conjoint ou partenaire de même sexe d'un employé ou d'un étudiant d'un collège d'arts appliqués et de technologie.

(4) Le conseil d'administration d'un collège n'est pas constitué de façon irrégulière pour la seule raison qu'un groupe visé à l'alinéa (1) c) choisit de ne pas exercer son droit d'élire un membre en application de cet alinéa.

(5) Nul ne peut devenir membre du conseil d'administration d'un collège en application de l'alinéa (1) c) sans être dûment élu conformément aux modalités établies par le conseil d'administration après consultation des groupes visés à l'alinéa (1) c) et énoncées dans un règlement administratif du conseil d'administration.

(6) Le membre d'un conseil d'administration qui est nommé en application du paragraphe (2) ou élu en application de l'alinéa (1) c), à l'exception d'un membre élu par les étudiants, occupe sa charge pour un mandat d'au plus trois ans et ne peut pas siéger pendant plus de six années consécutives, mais peut être nommé de nouveau ou réélu, selon le cas, après deux années d'absence du conseil pour des mandats successifs totalisant au plus six ans.

(7) Le membre du conseil d'administration élu par les étudiants en application de l'alinéa (1) c) occupe sa charge pour un mandat d'au plus deux ans et ne peut pas siéger pendant plus de quatre années consécutives mais peut être réélu après deux années d'absence du conseil, pour des mandats successifs totalisant au plus quatre ans.

(8) Les membres d'un conseil d'administration commencent à exercer leurs fonctions le 1^{er} septembre de l'année de leur nomination ou de leur élection, selon le cas.

(9) Les définitions qui suivent s'appliquent au présent article.

«conjoint» S'entend au sens de l'article 29 de la *Loi sur le droit de la famille*. («spouse»)

«partenaire de même sexe» S'entend au sens de l'article 29 de la *Loi sur le droit de la famille*. («same-sex partner»)

Procédure des conseils d'administration

5. (1) Les deux tiers au moins de l'ensemble des membres d'un conseil d'administration constituent le quorum lors des réunions du conseil.

(2) Chaque année ou tous les deux ans, le conseil d'administration élit conformément à ses règlements administratifs, parmi ses membres nommés en application du paragraphe 4 (2), un président et un vice-président, lesquels peuvent être réélus.

(3) Chaque conseil d'administration tient des registres et des procès-verbaux qui reflètent fidèlement ses délibérations.

(4) Les règlements administratifs d'un conseil d'administration :

- a) sont accessibles au public à des fins d'examen pendant les heures de bureau normales du collège;
- b) dans la mesure du possible, sont mis à la disposition du public sans frais sur un site Web d'Internet.

(5) Sous réserve des paragraphes (6) et (7), toutes les réunions d'un conseil d'administration sont publiques et un avis préalable de la réunion doit être donné aux membres du conseil d'administration et au public de la façon que le conseil d'administration précise par règlement administratif. Nul ne doit en être exclu si ce n'est pour une conduite irrégulière jugée telle par le conseil d'administration.

(6) Si une question que le conseil d'administration juge devoir rester confidentielle pour le collège conformément aux critères établis par règlement administratif doit être examinée, la partie de la réunion concernant cette question confidentielle peut être tenue à huis clos.

(7) Si une question d'ordre personnel concernant un particulier sera peut-être examinée à une réunion, la partie de la réunion concernant ce particulier est tenue à huis clos, à moins que le particulier ne fasse une demande à l'effet contraire et que le conseil d'administration n'y consente.

Révocation d'un membre

6. (1) Les conseils d'administration adoptent un règlement administratif qui énonce les raisons pour lesquelles un membre peut être révoqué et la procédure à suivre en pareil cas.

(2) Le règlement administratif adopté en application du paragraphe (1) ne s'applique pas au président du collège, qui est membre d'office du conseil d'administration.

(3) Le conseil d'administration peut révoquer un de ses membres, à l'exception du président, pour un motif énoncé dans le règlement administratif adopté en application du paragraphe (1) et conformément à la procédure qui y est énoncée.

(4) À la demande d'une personne, le Conseil peut réexaminer une décision de révoquer celle-ci de ses fonctions de membre du conseil d'administration.

(5) Le réexamen par le Conseil prévu au paragraphe (4) est limité à la question de savoir si la révocation s'est faite pour un motif énoncé dans le règlement administratif adopté en application du paragraphe (1) et conformément à la procédure qui y est énoncée et ne comprend pas d'examen de la question de savoir si la décision du conseil d'administration de révoquer le membre était bien fondée.

(6) La décision que prend le Conseil en vertu du paragraphe (4) quant à la question de savoir si la décision du conseil d'administration a été prise pour un motif énoncé dans le règlement administratif adopté en application du paragraphe (1) et conformément à la procédure qui y est énoncée est définitive.

Vacances

7. (1) Si une vacance survient parmi les membres d'un conseil d'administration élus en application de l'alinéa 4 (1) c), les groupes visés à cet alinéa élisent un nouveau membre conformément au règlement administratif adopté en application du paragraphe 4 (5).

(2) Si une vacance survient parmi les membres d'un conseil d'administration nommés en application du paragraphe 4 (2), le Conseil nomme une personne afin de combler la vacance.

(3) Le mandat d'un membre élu en application du paragraphe (1) ou nommé en application du paragraphe (2) :

- a) commence à la date de l'élection ou de la nomination, selon le cas;
- b) sous réserve de l'alinéa c), a la même durée que celui d'un membre nommé en application du paragraphe 4 (2) ou élu en application de l'alinéa 4 (1) c);
- c) se termine le 31 août de l'année pendant laquelle il prend fin.

(4) La personne élue à un conseil d'administration en application de l'alinéa 4 (1) c) qui cesse de façon temporaire ou permanente d'être un étudiant, un membre du corps enseignant, un membre du personnel administratif ou un membre du personnel de soutien, selon le cas, cesse d'être membre du conseil.

(5) Malgré le paragraphe (4), l'étudiant élu en application de l'alinéa 4 (1) c) qui obtient son diplôme avant la fin de son mandat peut demeurer membre du conseil d'administration jusqu'au 31 août de l'année d'obtention de son diplôme.

Plan stratégique, plan d'activités et rapport annuel

8. (1) Le conseil d'administration de chaque collège présente au ministre un plan stratégique, un plan d'acti-

vités et un rapport annuel ou toute combinaison de ceux-ci que le ministre demande.

(2) Le conseil d'administration d'un collège :

- a) d'une part, compile les indicateurs de rendement clés que précise le ministre et les fournit à celui-ci ou à une autre personne conformément aux directives du ministre;
- b) d'autre part, publie les indicateurs qu'exige le ministre.

(3) Le conseil d'administration d'un collège veille à ce qu'un plan ou un rapport présenté en application du paragraphe (1) soit mis à la disposition du public.

(4) Le ministre peut exiger d'un collège qu'il conclue une entente de responsabilisation concernant le plan stratégique afin de traiter des aspects du fonctionnement du collège que précise le ministre.

(5) L'entente de responsabilisation peut permettre des distinctions entre les mandats ou les rôles des différents collèges.

Équilibre budgétaire

9. (1) Le conseil d'administration d'un collège veille à ce que ce dernier ait un budget équilibré pour chaque exercice.

(2) S'il semble que le budget d'un collège ne sera pas équilibré au cours d'un exercice et qu'un déficit sera accumulé, le conseil d'administration du collège demande l'approbation du ministre à l'égard du budget et lui fournit un plan de redressement approprié conformément à ses directives.

Indemnités des membres du conseil

10. (1) Un conseil d'administration peut approuver des indemnités pour les frais de déplacement et de subsistance engagés par les membres dans l'exercice d'une fonction officielle. Toutefois, ceux-ci ne doivent pas recevoir d'autre rémunération du conseil d'administration pour avoir assumé les responsabilités d'un membre du conseil.

(2) Pour l'application du présent article, le membre du conseil d'administration d'un collège comprend le membre d'un comité ou d'un sous-comité de celui-ci.

ADMISSION, DIPLÔMES ET AUTRES

Admission

11. (1) Est candidate à l'admission à un programme d'enseignement approprié la personne qui fait une demande d'admission à un programme d'enseignement et qui remplit l'une des conditions suivantes :

- a) elle est titulaire du diplôme d'études secondaires de l'Ontario ou d'un diplôme équivalent;
- b) elle a au moins 19 ans au commencement du programme auquel elle entend s'inscrire;
- c) elle ne satisfait pas aux critères énoncés aux alinéas a) et b), mais remplit une condition d'admission établie par le conseil d'administration pour un programme d'enseignement particulier.

(2) La condition prévue au paragraphe (1) peut être subordonnée aux critères énoncés dans la publication générale du collège sur les admissions à l'égard d'un programme d'enseignement particulier.

Catégories de diplômes et autres

12. Les catégories de diplômes, de certificats ou autres documents qui sont décernés par un conseil d'administration et qui attestent qu'une personne a suivi ou réussi un cours ou un programme d'enseignement sont subordonnées à l'approbation du ministre.

CONSEIL DE LA RÉMUNÉRATION ET DES NOMINATIONS DANS LES COLLÈGES

Conseil de la rémunération et des nominations dans les collèges

13. (1) Est créé le conseil appelé Conseil de la rémunération et des nominations dans les collèges en français et College Compensation and Appointments Council en anglais.

(2) Le Conseil :

- a) exerce les fonctions que lui attribue la *Loi sur la négociation collective dans les collèges*;
- b) sous réserve du paragraphe 6 (3) et de l'alinéa 15 (1) c), nomme les membres des conseils d'administration des collèges conformément au paragraphe 4 (2);
- c) étudie les demandes de réexamen, prévues au paragraphe 6 (4), que présentent les personnes qui sont révoquées de leurs fonctions de membre du conseil d'administration d'un collège;
- d) fixe, en consultation avec les conseils d'administration des collèges, les conditions des régimes d'avantages sociaux garantis pour les membres du personnel des collèges, qu'ils soient ou non membres d'unités de négociation au sens de la *Loi sur la négociation collective dans les collèges*, et joue le rôle de souscripteur pour ces régimes;
- e) exerce les autres fonctions que lui attribue le ministre.

(3) Le Conseil se compose des membres qu'y nomme le lieutenant-gouverneur en conseil.

(4) Le Conseil fixe, pour le compte des conseils d'administration des collèges et en consultation avec eux, les conditions d'emploi, à l'exception des régimes d'avantages sociaux garantis et des pensions, de tous les membres du personnel administratif qui ne sont pas membres d'unités de négociation au sens de la *Loi sur la négociation collective dans les collèges*, jusqu'à ce que le ministre accepte par écrit une recommandation du conseil d'administration d'un collège dans laquelle il lui demande que celui-ci fixe lui-même les conditions d'emploi pour les membres de son personnel administratif qui ne sont pas membres de telles unités de négociation.

(5) Même s'il a reçu l'acceptation écrite du ministre prévue au paragraphe (4), un collège ne doit pas négocier les avantages sociaux garantis et les pensions.

(6) Les conditions d'emploi des membres du personnel administratif d'un collège qui ne sont pas membres

d'unités de négociation au sens de la *Loi sur la négociation collective dans les collèges* établies par le Conseil des affaires collégiales immédiatement avant le jour de l'entrée en vigueur du présent règlement sont maintenues et lient le collège qui emploie ces membres du personnel jusqu'à ce que le Conseil ou le collège, selon le cas, fixe pour eux de nouvelles conditions d'emploi.

(7) Malgré le paragraphe (3), les membres du Conseil des affaires collégiales en poste immédiatement avant le jour de l'entrée en vigueur du présent règlement sont réputés être les membres du Conseil pour les mêmes mandats et aux mêmes conditions que pour leur nomination au Conseil des affaires collégiales.

AVANTAGES SOCIAUX GARANTIS ET PENSIONS

Régime de retraite des collèges d'arts appliqués et de technologie

14. (1) Tous les collèges participent au régime de retraite des collèges d'arts appliqués et de technologie créé conformément à l'accord intitulé «Sponsorship and Trust Agreement» signé entre le 19 décembre 1994 et le 3 janvier 1995 par les collèges et le Syndicat des employés et employés de la fonction publique de l'Ontario.

(2) Le Conseil est réputé le souscripteur pour tout régime d'avantages sociaux garantis des membres du personnel des collèges dont le Conseil des affaires collégiales était le souscripteur immédiatement avant le jour de l'entrée en vigueur du présent règlement.

(3) Tous les collèges participent aux régimes d'avantages sociaux garantis des membres du personnel des collèges dont le Conseil est réputé le souscripteur en application du paragraphe (2) ou qui sont fixés par le Conseil en application de l'alinéa 13 (2) d).

INTERVENTION DU MINISTRE

Intervention du ministre

15. (1) S'il est d'avis qu'une intervention dans les affaires d'un collège en vertu de l'article 5 de la Loi est nécessaire, le ministre peut faire ce qui suit :

- a) nommer une personne afin d'enquêter sur les activités du collège et d'aviser le ministre si, selon elle, la nomination d'un administrateur est dans l'intérêt public et est nécessaire pour faire en sorte que le collège continue à offrir des services conformément aux lois applicables et à leurs règlements d'application ainsi qu'aux directives en matière de politique;
- b) donner, en vertu de l'article 4 de la Loi, les directives en matière de politique qu'il estime appropriées et exiger que le conseil d'administration s'y conforme dans un délai déterminé;
- c) révoquer de façon temporaire ou permanente certains ou la totalité des membres du conseil d'administration nommés en application du paragraphe 4 (2);
- d) nommer une personne pour administrer temporairement les activités commerciales et les affaires internes du collège, sous réserve des conditions et des restrictions qu'impose le ministre à l'administrateur.

(2) Si un collège fait l'objet d'une enquête en vertu de l'alinéa (1) a) ou est administré en vertu de l'alinéa (1) d), l'enquêteur ou l'administrateur a accès en tout temps aux registres du collège et notamment aux règlements administratifs, aux procès-verbaux, aux livres comptables, aux pièces justificatives et aux autres registres liés aux opérations financières du collège.

(3) L'enquêteur nommé en vertu de l'alinéa (1) a) ou l'administrateur nommé en vertu de l'alinéa (1) d) peut inspecter les registres du collège et en faire des copies.

(4) Sous réserve des conditions ou des restrictions que le ministre peut avoir imposées, l'administrateur dispose de tous les pouvoirs du conseil d'administration du collège et peut les exercer pour la gestion des activités commerciales et des affaires internes du collège, la réalisation des objets du collège et l'exercice des autres fonctions que précise le ministre.

(5) Le conseil d'administration du collège ne peut pas exercer ses pouvoirs, à l'exception des pouvoirs qui lui sont explicitement réservés par les conditions ou restrictions imposées par le ministre à l'administrateur, pendant que ce dernier est en fonction.

(6) Si un collège est administré en vertu de l'alinéa (1) d), les mesures prises par l'administrateur en vue de gérer les activités commerciales et les affaires internes du collège sont réputées avoir été prises par et pour ce dernier et en son nom.

(7) Le ministre peut mettre fin à la nomination de l'administrateur s'il est convaincu que celle-ci n'est plus dans l'intérêt public ou qu'il l'estime approprié.

(8) L'administrateur fait au ministre les rapports qu'exige celui-ci.

(9) Le ministre peut donner des directives à l'administrateur en ce qui concerne toute question qui relève de la compétence de l'administrateur et celui-ci doit les suivre.

(10) Le ministre a compétence exclusive pour toute question qui découle du présent article ou de l'exercice par quiconque des pouvoirs que lui confère celui-ci, et ses actes sont déterminants et ne sont pas susceptibles de révision par un tribunal.

(11) La *Loi sur l'exercice des compétences légales* ne s'applique pas aux actes accomplis par le ministre ou par un administrateur en application du présent article.

(12) Aucune instance ne peut être introduite contre la Couronne ou le ministre en ce qui concerne la nomination d'un administrateur ou d'un enquêteur en vertu du présent article.

Immunité

16. (1) Sont irrecevables les actions ou autres instances en dommages-intérêts ou autres introduites contre un administrateur ou un enquêteur nommé en vertu de l'article 15 pour un acte accompli de bonne foi dans l'exercice effectif ou censé tel des fonctions ou des pouvoirs que lui attribue le présent règlement ou pour une négligence ou un manquement qu'il aurait commis dans l'exercice de bonne foi de ces fonctions ou pouvoirs.

(2) Malgré les paragraphes 5 (2) et (4) de la *Loi sur les instances introduites contre la Couronne*, le paragraphe

(1) ne dégage pas la Couronne de la responsabilité qu'elle serait autrement tenue d'assumer à l'égard d'un délit civil commis par un administrateur ou un enquêteur. La Couronne est tenue responsable de ce délit civil en application de cette loi comme si le paragraphe (1) n'avait pas été adopté.

ENTRÉE EN VIGUEUR

Entrée en vigueur

17. Le présent règlement entre en vigueur le jour où l'article 8 de la *Loi de 2002 sur les collèges d'arts appliqués et de technologie de l'Ontario* est proclamé en vigueur.

9/03

ONTARIO REGULATION 35/03

made under the

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

Made: December 2, 2002
Approved: December 18, 2002
Filed: February 11, 2003

Revoking Reg. 770 of R.R.O. 1990
(Colleges of Applied Arts and Technology —
Boards of Governors and Council of Regents)

1. Regulation 770 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 338/91, 682/93, 683/93, 84/00 and 27/02 are revoked.

2. This Regulation comes into force on the day that section 8 of the *Ontario Colleges of Applied Arts and Technology Act, 2002* comes into force.

DIANNE CUNNINGHAM
Minister of Training, Colleges and Universities

Dated on December 2, 2002.

RÈGLEMENT DE L'ONTARIO 35/03

pris en application de la

LOI SUR LE MINISTÈRE DE LA FORMATION ET DES COLLÈGES ET UNIVERSITÉS

pris le 2 décembre 2002
approuvé le 18 décembre 2002
déposé le 11 février 2003

abrogeant le Règl. 770 des R.R.O. de 1990
(Collèges d'arts appliqués et de technologie — Conseils
d'administration et Conseil des affaires collégiales)

1. Le Règlement 770 des Règlements refondus de l'Ontario de 1990 et les Règlements de l'Ontario 338/91, 682/93, 683/93, 84/00 et 27/02 sont abrogés.

2. Le présent règlement entre en vigueur le même jour que l'article 8 de la *Loi de 2002 sur les collèges d'arts appliqués et de technologie de l'Ontario*.

DIANNE CUNNINGHAM
Ministre de la Formation et des Collèges et Universités

Fait le 2 décembre 2002.

9/03

ONTARIO REGULATION 36/03

made under the

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

Made: December 2, 2002
Approved: December 18, 2002
Filed: February 11, 2003

Revoking Reg. 771 of R.R.O. 1990
(Colleges of Applied Arts and Technology — Colleges)

1. Regulation 771 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 207/91, 684/93, 468/94, 655/94, 390/95, 26/02 and 33/03 are revoked.

2. This Regulation comes into force on the day that section 8 of the *Ontario Colleges of Applied Arts and Technology Act, 2002* comes into force.

DIANNE CUNNINGHAM
Minister of Training, Colleges and Universities

Dated on December 2, 2002

9/03

ONTARIO REGULATION 37/03

made under the

ELECTRICITY ACT, 1998

Made: February 7, 2003
Filed: February 11, 2003

Amending O. Reg. 124/02
(Taxes and Charges on Hydro-Electric
Generating Stations)

Note: Ontario Regulation 124/02 has not previously been amended.

1. Section 2 of Ontario Regulation 124/02 is amended by striking out "from January 1, 2001 to the day before the day subsection 26 (1) of the Act comes into force" and substituting "beginning on January 1, 2001 and ending on December 31, 2003".

2. Subsection 7 (6) of the Regulation is amended by striking out "Until subsection 26 (1) of the Act comes into force" at the beginning.

3. This Regulation shall be deemed to have come into force on April 30, 2002.

JANET ECKER
Minister of Finance

Dated on February 7, 2003.

9/03

ONTARIO REGULATION 38/03

made under the

HIGHWAY TRAFFIC ACT

Made: December 11, 2002
Filed: February 11, 2003

Amending Reg. 610 of R.R.O. 1990
(Safety Helmets)

Note: Regulation 610 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraphs 1 to 9 of subsection 4 (1) of Regulation 610 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

1. Canadian Standards Association CAN/CSA D113.2-M89 (Cycling Helmets).
2. Snell Memorial Foundation B-95 (1995 Standard for Protective Headgear for Use with Bicycles).
3. Snell Memorial Foundation B-90 (1990 Standard for Protective Headgear for Use in Bicycling).

4. Snell Memorial Foundation B-90S (1994 Supplementary Standard for Protective Headgear for Use with Bicycles).
5. American National Standards Institute ANSI Z90.4-1984 (American National Standard for Protective Headgear for Bicyclists).
6. American Society for Testing and Materials ASTM F1447-94 (Standard Specification for Protective Headgear Used in Bicycling).
7. British Standards Institute BS 6863:1989 (British Standard Specification for Pedal Cyclists' Helmets).
8. Standards Association of Australia AS 2063.2-1990 (Part 2: Helmets for Pedal Cyclists).
9. Snell Memorial Foundation N-94 (1994 Standard for Protective Headgear: for Use in Non-Motorized Sports).
10. United States Consumer Product Safety Commission (CPSC) 16 CFR Part 1203 Safety Standards for Bicycle Helmets.

(2) Subsection 4 (3) of the Regulation is revoked and the following substituted:

(3) A reference to a standard in subsection (1) includes any amendments made to the standard, whether made before or after February 11, 2003.

9/03

ONTARIO REGULATION 39/03

made under the

ARTHUR WISHART ACT (FRANCHISE DISCLOSURE), 2000

Made: February 10, 2003
Filed: February 13, 2003

Amending O. Reg. 9/01
(Exemption of Franchisors under
Subsection 13 (1) of the Act)

Note: Ontario Regulation 9/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 9/01 is amended by adding the following items:

Groupe Cantrex Inc.
The Second Cup Ltd.

TIMOTHY HUDAK
Minister of Consumer and Business Services

Dated on February 10, 2003.

9/03

ONTARIO REGULATION 40/03

made under the

FARM PRODUCTS MARKETING ACT

Made: February 11, 2003
 Filed: February 14, 2003

Amending Reg. 400 of R.R.O. 1990
 (By-laws for Local Boards)

Note: Regulation 400 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Section 5 of Regulation 400 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(0.1) This section does not apply to the Ontario Greenhouse Vegetable Growers.

(2) Subsection 5 (1.1) of the Regulation is amended by striking out "except for the Ontario Greenhouse Vegetable Growers".

2. Section 6 of the Regulation is revoked and the following substituted:

6. A quorum for the transaction of business of a local board shall be,

- (a) a majority of the members of the local board, except in the case of the Ontario Greenhouse Vegetable Growers;
- (b) the chair or acting chair, together with eight of the voting members of the local board, in the case of the Ontario Greenhouse Vegetable Growers.

3. Subsection 12 (2) of the Regulation is revoked and the following substituted:

(2) Despite subsection (1), a question arising at a meeting of Ontario Greenhouse Vegetable Growers shall be decided by a two-thirds majority of the votes of the voting members present.

4. Subsection 13 (2) of the Regulation is amended by adding "of the votes of the voting members" after "two-thirds majority".

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

ROD STORK
 Chair

PATRICIA BANY
 Acting Secretary

Dated on February 11, 2003.

9/03

ONTARIO REGULATION 41/03

made under the

FARM PRODUCTS MARKETING ACT

Made: February 11, 2003
 Approved: February 13, 2003
 Filed: February 14, 2003

Amending Reg. 418 of R.R.O. 1990
 (Greenhouse Vegetables — Plan)

Note: Regulation 418 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Section 5 of the Schedule to Regulation 418 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

5. (1) The local board shall be composed of,

- (a) 10 voting members elected or appointed in accordance with sections 11, 13 and 14; and
- (b) a chair whom the Commission shall appoint.

(2) The chair holds office at the pleasure of the Commission and shall not have any voting rights.

(3) When present, the chair shall preside at all meetings of the local board.

(4) The Commission may appoint an acting chair who shall act in place of the chair during the chair's absence or inability to act.

(5) The members of the local board from District 1 as described in section 6 shall elect a vice-chair from among themselves and the members of the local board from District 2 as described in that section shall elect a vice-chair from among themselves.

(6) The vice-chairs shall hold office until their successors are elected.

(7) The elections of vice-chairs shall take place at the first meeting of the local board over which the chair appointed by the Commission presides and annually after that at the first meeting after each election of members under section 11 or appointment of members under section 13, as the case may be.

(8) The chair and the vice-chair of the local board who were in office immediately before Ontario Regulation 41/03 comes into force shall continue to hold office until the Commission appoints a chair under clause (1) (b).

(2) Section 9 of the Schedule to the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

9. Except in the case of the chair or the acting chair of the local board, the following rules apply with respect to being eligible to hold office on the local board or a District Greenhouse Vegetable Producers' Committee, to voting to elect members to them or to appointing members to them:

(3) Subsections 11 (1), (2) and (3) of the Schedule to the Regulation are revoked and the following substituted:

(1) Members of the local board who were in office immediately before Ontario Regulation 41/03 comes into force shall continue to hold office until their term of office expires.

(4) Subsection 11 (4) of the Schedule to the Regulation is amended by striking out "Beginning with 1999".

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

ROD STORK
Chair

PATRICIA BANY
Acting Secretary

Dated on February 11, 2003.

Approved by:

HELEN JOANNE JOHNS
Minister of Agriculture and Food

Dated on February 13, 2003.

9/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—03—08

ONTARIO REGULATION 42/03

made under the

PROVINCIAL OFFENCES ACT

Made: December 11, 2002

Filed: February 17, 2003

Amending Reg. 950 of R.R.O. 1990
(Proceedings Commenced by Certificate of Offence)

Note: Regulation 950 has previously been amended.
Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 6.1 to Regulation 950 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

SCHEDULE 6.1

Ontario Regulation 361/98
under the *Environmental Protection Act*

ITEM	COLUMN 1	COLUMN 2
1.	Use leaded gasoline to operate motor vehicle with catalytic converter	subsection 5 (1)
2.	Operate motor vehicle with catalytic converter not repaired/replaced	subsection 5 (2)
3.	Cause operation of motor vehicle with catalytic converter not repaired/replaced	subsection 5 (2)
4.	Permit operation of motor vehicle with catalytic converter not repaired/replaced	subsection 5 (2)
5.	Alter motor so that catalytic converter bypassed	subsection 5 (3)
6.	Cause alteration of motor so that catalytic converter bypassed	subsection 5 (3)
7.	Permit alteration of motor so that catalytic converter bypassed	subsection 5 (3)
8.	Alter motor vehicle so that catalytic converter bypassed	subsection 5 (3)
9.	Cause alteration of motor vehicle so that catalytic converter bypassed	subsection 5 (3)
10.	Permit alteration of motor vehicle so that catalytic converter bypassed	subsection 5 (3)
11.	Operate motor with catalytic converter not functioning	clause 5 (4) (a)
12.	Cause operation of motor with catalytic converter not functioning	clause 5 (4) (a)
13.	Permit operation of motor with catalytic converter not functioning	clause 5 (4) (a)
14.	Operate motor vehicle with catalytic converter not functioning	clause 5 (4) (a)
15.	Cause operation of motor vehicle with catalytic converter not functioning	clause 5 (4) (a)
16.	Permit operation of motor vehicle with catalytic converter not functioning	clause 5 (4) (a)
17.	Operate motor with catalytic converter incapacitated	clause 5 (4) (b)
18.	Cause operation of motor with catalytic converter incapacitated	clause 5 (4) (b)
19.	Permit operation of motor with catalytic converter incapacitated	clause 5 (4) (b)
20.	Operate motor vehicle with catalytic converter incapacitated	clause 5 (4) (b)
21.	Cause operation of motor vehicle with catalytic converter incapacitated	clause 5 (4) (b)
22.	Permit operation of motor vehicle with catalytic converter incapacitated	clause 5 (4) (b)
23.	Operate light vehicle from which visible emission	subsection 6 (1)
24.	Cause operation of light vehicle from which visible emission	subsection 6 (1)
25.	Permit operation of light vehicle from which visible emission	subsection 6 (1)
26.	Operate heavy vehicle from which visible emission	subsection 6 (2)
27.	Cause operation of heavy vehicle from which visible emission	subsection 6 (2)
28.	Permit operation of heavy vehicle from which visible emission	subsection 6 (2)
29.	Operate motor vehicle that contravenes emission standards	subsection 7 (3)
30.	Cause operation of motor vehicle that contravenes emission standards	subsection 7 (3)
31.	Permit operation of motor vehicle that contravenes emission standards	subsection 7 (3)

ITEM	COLUMN 1	COLUMN 2
32.	Operate gasoline fuelled light vehicle that contravenes emission standards	subsection 8 (7)
33.	Cause operation of gasoline fuelled light vehicle that contravenes emission standards	subsection 8 (7)
34.	Permit operation of gasoline fuelled light vehicle that contravenes emission standards	subsection 8 (7)
35.	Operate gasoline fuelled light vehicle that contravenes emission standards	subsection 9 (13.1)
36.	Cause operation of gasoline fuelled light vehicle that contravenes emission standards	subsection 9 (13.1)
37.	Permit operation of gasoline fuelled light vehicle that contravenes emission standards	subsection 9 (13.1)
38.	Operate gasoline fuelled heavy vehicle that contravenes emission standards	subsection 10 (8)
39.	Cause operation of gasoline fuelled heavy vehicle that contravenes emission standards	subsection 10 (8)
40.	Permit operation of gasoline fuelled heavy vehicle that contravenes emission standards	subsection 10 (8)
41.	Operate diesel fuelled light vehicle that contravenes emission standards	subsection 11 (5)
42.	Cause operation of diesel fuelled light vehicle that contravenes emission standards	subsection 11 (5)
43.	Permit operation of diesel fuelled light vehicle that contravenes emission standards	subsection 11 (5)
44.	Operate diesel fuelled heavy vehicle that contravenes emission standards	subsection 12 (5)
45.	Cause operation of diesel fuelled heavy vehicle that contravenes emission standards	subsection 12 (5)
46.	Permit operation of diesel fuelled heavy vehicle that contravenes emission standards	subsection 12 (5)
47.	Driver fail to submit motor vehicle for testing and inspection	subsection 13 (2)
48.	Owner fail to submit motor vehicle for testing and inspection	subsection 13 (2)

2. The Regulation is amended by adding the following Schedule:

SCHEDULE 73.1

Pesticides Act

ITEM	COLUMN 1	COLUMN 2
1.	Sell unclassified pesticide	section 6
2.	Offer to sell unclassified pesticide	section 6
3.	Transfer unclassified pesticide	section 6
4.	Sell pesticide without licence	section 6
5.	Offer to sell pesticide without licence	section 6
6.	Transfer pesticide without licence	section 6
7.	Sell pesticide not in accordance with licence	section 6
8.	Offer to sell pesticide not in accordance with licence	section 6
9.	Transfer pesticide not in accordance with licence	section 6

3. Schedule 74 to the Regulation is revoked and the following substituted:

SCHEDULE 74

**Regulation 914 of the Revised Regulations of Ontario, 1990
under the *Pesticides Act***

ITEM	COLUMN 1	COLUMN 2
1.	Fail to notify Director of change in information within 10 days	subsection 5 (3)
2.	Fail to carry exterminator's license or legible copy	subsection 5 (4)
3.	Fail to notify Director of change in information with 10 days	subsection 15 (4)
4.	Employ unlicensed person to assist in extermination	subsection 19 (1)
5.	Employ too few licensed exterminators	subsection 19 (1.2)
6.	Fail to ensure technician properly supervised	subsection 19 (1.3)
7.	Fail to ensure trainee properly supervised	subsection 19 (1.3)
8.	Fail to have licensed exterminator in charge at business location daily	clause 19 (2) (a)
9.	Fail to notify Director of business location address	clause 19 (2) (b)
10.	Fail to notify Director of name of licensed exterminator in charge	clause 19 (2) (b)
11.	Fail to notify Director of address change	clause 19 (2) (c)
12.	Fail to notify Director of change of licensed exterminator in charge	clause 19 (2) (c)
13.	Fail to display licence in prominent place	subsection 19 (3)
14.	Operator — fail to carry prescribed insurance	subsection 20 (1)
15.	Exterminator assisted by unlicensed person	subsection 20.1 (1)
16.	Technician — fail to carry documentation confirming qualifications	subsection 20.1 (2)
17.	Trainee — fail to carry identification	subsection 20.1 (3)
18.	Technician — assist extermination without supervision	subsection 20.1 (6)
19.	Trainee — assist extermination without constant supervision	subsection 20.1 (7)

ITEM	COLUMN 1	COLUMN 2
20.	Technician — select pesticide for client	clause 20.1 (8) (a)
21.	Trainee — select pesticide for client	clause 20.1 (8) (a)
22.	Technician — recommend pesticide to client	clause 20.1 (8) (a)
23.	Trainee — recommend pesticide to client	clause 20.1 (8) (a)
24.	Technician — select method of application of pesticide	clause 20.1 (8) (b)
25.	Trainee — select method of application of pesticide	clause 20.1 (8) (b)
26.	Technician — select rate of application of pesticide	clause 20.1 (8) (b)
27.	Trainee — select rate of application of pesticide	clause 20.1 (8) (b)
28.	Technician — mix Schedule 1 pesticide	clause 20.1 (8) (c)
29.	Trainee — mix Schedule 1 pesticide	clause 20.1 (8) (c)
30.	Technician — mix Schedule 5 pesticide	clause 20.1 (8) (c)
31.	Trainee — mix Schedule 5 pesticide	clause 20.1 (8) (c)
32.	Technician — fill equipment with Schedule 1 pesticide	clause 20.1 (8) (c)
33.	Trainee — fill equipment with Schedule 1 pesticide	clause 20.1 (8) (c)
34.	Technician — fill equipment with Schedule 5 pesticide	clause 20.1 (8) (c)
35.	Trainee — fill equipment with Schedule 5 pesticide	clause 20.1 (8) (c)
36.	Technician — apply Schedule 1 pesticide	clause 20.1 (8) (d)
37.	Trainee — apply Schedule 1 pesticide	clause 20.1 (8) (d)
38.	Technician — apply Schedule 5 pesticide	clause 20.1 (8) (d)
39.	Trainee — apply Schedule 5 pesticide	clause 20.1 (8) (d)
40.	Technician — mix Schedule 2 pesticide without supervision	clause 20.1 (8) (e)
41.	Trainee — mix Schedule 2 pesticide without supervision	clause 20.1 (8) (e)
42.	Technician — fill equipment with Schedule 2 pesticide without supervision	clause 20.1 (8) (e)
43.	Trainee — fill equipment with Schedule 2 pesticide without supervision	clause 20.1 (8) (e)
44.	Technician — apply Schedule 2 pesticide without supervision	clause 20.1 (8) (e)
45.	Trainee — apply Schedule 2 pesticide without supervision	clause 20.1 (8) (e)
46.	Technician — fail to carry instructions with prescribed information	subsection 20.1 (9)
47.	Technician — fail to keep written instructions at job site	subsection 20.1 (11)
48.	Supervise more than 3 technicians or trainees at once	subsection 20.2 (1)
49.	Fail to ensure technician receives necessary training	clause 20.2 (3) (a)
50.	Fail to ensure trainee receives necessary training	clause 20.2 (3) (a)
51.	Fail to make record of technician training	clause 20.2 (3) (b)
52.	Fail to make record of trainee training	clause 20.2 (3) (b)
53.	Fail to keep record of technician training	subsection 20.2 (3.1)
54.	Fail to keep record of trainee training	subsection 20.2 (3.1)
55.	Fail to ensure technician carries instructions	subsection 20.2 (4)
56.	Fail to visit technician at extermination site weekly	subsection 20.2 (5)
57.	Fail to properly record extermination site visit	subsection 20.2 (5)
58.	Fail to accompany and supervise trainee during extermination	subsection 20.2 (6)
59.	Fail to ensure assistant licensed person	clause 20.3 (a)
60.	Fail to ensure employee only handles pesticide in sealed container	clause 20.3 (b)
61.	Fail to ensure no employee handles empty pesticide container	clause 20.3 (c)
62.	Fail to ensure no employee does anything detrimental	clause 20.3 (d)
63.	Fail to ensure no employee suffers harm	clause 20.3 (e)
64.	Use unclassified pesticide in extermination	subsection 22 (1)
65.	Use pesticide not in accordance with label	subsection 22 (2)
66.	Purchase pesticide without prescribed licence	section 24
67.	Acquire pesticide without prescribed licence	section 24
68.	Store pesticide without prescribed licence	section 24
69.	Use pesticide without prescribed licence	section 24
70.	Use well water in extermination without backflow prevention device	subsection 25 (1)
71.	Use surface water in extermination without backflow prevention device	subsection 25 (1)
72.	Wash extermination equipment in or near well	subsection 25 (2)
73.	Wash extermination equipment in or near surface water	subsection 25 (2)
74.	Possession of pesticide in other than original container	subsection 26 (1)
75.	Fail to rinse empty Schedule 1, 2, 3, 5 or 6 pesticide container	subsection 27 (1)
76.	Fail to ensure empty rinsed pesticide container recycled	clause 27 (3) (a)
77.	Fail to ensure empty rinsed pesticide container disposed of as prescribed	clause 27 (3) (b)
78.	Fail to ensure empty pesticide container disposed of as prescribed	clause 27 (4) (a)
79.	Fail to ensure empty pesticide container recycled	clause 27 (4) (b)
80.	Fail to ensure rinse solvent disposed of as prescribed	subsection 27 (5)
81.	Fail to ensure empty pesticide container disposed of as prescribed	subsection 27 (7)
82.	Fail to ensure spillage cleaned up	subclause 28 (1) (a) (i)
83.	Fail to decontaminate properly	subclause 28 (1) (a) (ii)
84.	Fail to ensure pesticide is properly stored	clause 28 (1) (b)
85.	Fail to ensure pesticide container labelled	clause 28 (1) (b)

ITEM	COLUMN 1	COLUMN 2
86.	Fail to ensure damaged/broken container rinsed	clause 28 (1) (c)
87.	Fail to ensure damaged/broken pesticide container recycled	clause 28 (1) (c)
88.	Fail to ensure damaged/broken pesticide container disposed of as prescribed	clause 28 (1) (c)
89.	Fail to ensure rinse solvent disposed of as prescribed	clause 28 (1) (c)
90.	Fail to ensure pesticide disposed of as prescribed	clause 28 (1) (d)
91.	Fail to ensure solvent disposed of as prescribed	clause 28 (1) (e)
92.	Fail to forthwith notify Director of event that may release pesticide	subsection 29 (1)
93.	Fail to forthwith notify Director when pesticide stolen	subsection 29 (2)
94.	Fail to deliver prescribed notice to area police force	clause 36 (1) (c)
95.	Fail to deliver prescribed notice to area fire department	clause 36 (1) (c)
96.	Fail to deliver prescribed notice to area medical officer of health	clause 36 (1) (c)
97.	Fail to set out prescribed information in notice	subsection 36 (2)
98.	Fail to notify Director of prescribed information within 7 days of extermination	subsection 36 (4)
99.	Fail to seal all openings in building before fumigation	clause 37 (1) (a)
100.	Fail to remove all incompatible substances before fumigation	clause 37 (1) (b)
101.	Fail to lock all doors and entrances before fumigation	clause 37 (1) (c)
102.	Fail to post warning placard at all entrances before fumigation	clause 37 (1) (d)
103.	Cause prescribed extermination in vault without report that gas-tight	subsection 39 (2)
104.	Permit prescribed extermination in vault without report that gas-tight	subsection 39 (2)
105.	Fail to submit to Director report of professional engineer	subsection 39 (3)
106.	Fail to lock vault door as prescribed before fumigation	subsection 39 (8) para. 4
107.	Fail to keep vault door locked until airing out	subsection 39 (8) para. 4
108.	Fail to keep vault door key in possession	subsection 39 (8) para. 4
109.	Fail to give notice of vault fumigation leaks	subsection 39 (8) para. 5
110.	Fail to take steps to temporarily seal leak	subsection 39 (8) para. 5
111.	Fail to post warning placard on vault entrance	subsection 39 (8) para. 7
112.	Fail to lock doors in building undergoing fumigation	subsection 40 (1) para. 5
113.	Fail to keep door locked until airing out	subsection 40 (1) para. 5
114.	Fail to keep door key in possession	subsection 40 (1) para. 5
115.	Fail to post warning placard on building entrances	subsection 40 (1) para. 6
116.	Fail to post warning placard on fumigation cover	subsection 40 (1) para. 6
117.	Fail to post warning placard on sealed container undergoing fumigation	subsection 40 (1) para. 6
118.	Fail to remove all incompatible substances from structure	subsection 41 (2) para. 2
119.	Fail to remove all incompatible substances from vehicle	subsection 41 (2) para. 2
120.	Fail to lock all doors of vehicle undergoing fumigation	subsection 41 (2) para. 7
121.	Fail to lock all doors of structure undergoing fumigation	subsection 41 (2) para. 7
122.	Fail to keep door locked until airing out	subsection 41 (2) para. 7
123.	Fail to keep door key in possession	subsection 41 (2) para. 7
124.	Fail to post warning placard on structure entrances	subsection 41 (2) para. 8
125.	Fail to post warning placard on vehicle doors	subsection 41 (2) para. 8
126.	Place strychnine pesticide in accessible area	clause 47 (a)
127.	Place zinc phosphide pesticide in accessible area	clause 47 (a)
128.	Use of strychnine pesticide likely to touch food or drink	clause 47 (b)
129.	Use of zinc phosphide pesticide likely to touch food or drink	clause 47 (b)
130.	Fail to make prescribed record of zinc phosphide pesticide placement	clause 47 (c)
131.	Fail to make record of strychnine pesticide placement	clause 47 (c)
132.	Fail to remove strychnine pesticide upon completion	clause 47 (d)
133.	Fail to remove zinc phosphide pesticide upon completion	clause 47 (d)
134.	Use Schedule 1, 2 or 5 pesticide as suspension in air without prescribed licence	subsection 48 (1)
135.	Use Schedule 1 or 5 pesticide as suspension in air without another exterminator present	subsection 48 (2)
136.	Use Schedule 2 pesticide as suspension in air without another prescribed person present	subsection 48 (3)
137.	Fail to lock all but access door of building	subclause 49 (a) (i)
138.	Fail to post warning placard on all doors of building	subclause 49 (a) (ii)
139.	Fail to ensure building vacant before pesticide use	subclause 49 (a) (iii)
140.	Fail to lock access door after using pesticide	subclause 49 (b) (i)
141.	Fail to ensure no one enters building until pesticide gone	subclause 49 (b) (ii)
142.	Use prohibited pesticide	subsection 62 (1)
143.	Handle prohibited pesticide	subsection 62 (1)
144.	Store prohibited pesticide	subsection 62 (1)
145.	Sell prohibited pesticide	subsection 62 (1)
146.	Transport prohibited pesticide	subsection 62 (1)
147.	Dispose of prohibited pesticide	subsection 62 (1)
148.	Fail to post public notice of land extermination as per subsection 66 (1)	subsection 65 (1)
149.	Fail to post public notice of land extermination as per subsection 66 (2)	subsection 65 (1)
150.	Fail to post public notice of land extermination as per subsection 67 (1)	subsection 65 (1)
151.	Fail to post public notice of land extermination as per subsection 67 (3)	subsection 65 (1)

ITEM	COLUMN 1	COLUMN 2
152.	Fail to post signs immediately before land extermination as per subsection 71 (2)	subsection 65 (1)
153.	Fail to post signs twenty-four hours before land extermination as per subsection 71 (3)	subsection 65 (1)
154.	Post extermination signs contrary to section 73	subsection 65 (1)
155.	Public area extermination sign not size prescribed by subsection 74 (1)	subsection 65 (1)
156.	Extermination sign not of material prescribed by section 75	subsection 65 (1)
157.	Front of extermination sign not as prescribed by subsection 76 (1)	subsection 65 (1)
158.	Front of extermination sign not as prescribed by subsection 76 (2)	subsection 65 (1)
159.	Back of extermination sign not as prescribed by subsection 76 (5)	subsection 65 (1)
160.	Back of extermination sign not as prescribed by subsection 76 (6)	subsection 65 (1)
161.	Front of extermination sign not inscribed as per subsection 76 (7)	subsection 65 (1)
162.	Extermination sign not printed as prescribed by subsection 76 (8)	subsection 65 (1)
163.	Extermination sign pictogram not as prescribed by subsection 76 (9)	subsection 65 (1)
164.	Fail to advise owner in writing of requirements of section 72	subsection 65 (2)
165.	Fail to advise occupier in writing of requirements of section 72	subsection 65 (2)
166.	Fail to advise manager in writing of requirements of section 72	subsection 65 (2)
167.	Fail to post public notice of land extermination as per subsection 70 (1)	clause 69 (1) (a)
168.	Fail to post public notice of land extermination as per subsection 70 (2)	clause 69 (1) (a)
169.	Fail to post residential area signs immediately before extermination as per subsection 71 (1)	clause 69 (1) (a)
170.	Post extermination signs contrary to section 73	clause 69 (1) (a)
171.	Residential area extermination sign not size prescribed by subsection 74 (2)	clause 69 (1) (a)
172.	Extermination sign not of material prescribed by section 75	clause 69 (1) (a)
173.	Front of extermination sign not as prescribed by subsection 76 (1)	clause 69 (1) (a)
174.	Front of extermination sign not as prescribed by subsection 76 (2)	clause 69 (1) (a)
175.	Back of extermination sign not as prescribed by subsection 76 (5)	clause 69 (1) (a)
176.	Back of extermination sign not as prescribed by subsection 76 (6)	clause 69 (1) (a)
177.	Front of extermination sign not inscribed as per subsection 76 (7)	clause 69 (1) (a)
178.	Extermination sign not printed as prescribed by subsection 76 (8)	clause 69 (1) (a)
179.	Extermination sign pictogram not as prescribed by subsection 76 (9)	clause 69 (1) (a)
180.	Fail to advise owner in writing of requirements of section 72	clause 69 (1) (b)
181.	Fail to advise occupier in writing of requirements of section 72	clause 69 (1) (b)
182.	Fail to advise management in writing of requirements of section 72	clause 69 (1) (b)
183.	Remove sign before 48 hours following extermination	subsection 72 (1)
184.	Fail to ensure sign removal following extermination	subsection 72 (2)
185.	Fail to include prescribed information in written notice under section 68	section 78
186.	Fail to include prescribed information in written notice under section 71	section 78
187.	Exterminator fails to ensure prescribed notices given	clause 79 (a)
188.	Permit use of pesticides application equipment where notice not given	clause 79 (b)
189.	Pilot exposes self to contact with pesticide	clause 90 (b)
190.	Pilot assists loading of pesticide	clause 90 (b)
191.	Fail to make record of aerial extermination	clause 91 (1) (a)
192.	Fail to keep record of aerial extermination	clause 91 (1) (a)
193.	Fail to provide aerial extermination record to operator	clause 91 (1) (b)
194.	Fail to keep record of aerial extermination	clause 91 (1) (b)
195.	Fail to submit aerial extermination record to Director	clause 91 (1) (c)
196.	Fail to produce aerial extermination record	subsection 91 (2)
197.	Fail to have available documentation confirming certification	subsection 94 (2.2)
198.	Assistant agriculturist — purchase Schedule 2 or 5 pesticide	clause 94 (8) (a)
199.	Assistant agriculturist — recommend Schedule 2 or 5 pesticide	clause 94 (8) (b)
200.	Assistant agriculturist — select Schedule 2 or 5 pesticide	clause 94 (8) (b)
201.	Assistant agriculturist — select Schedule 2 or 5 pesticide application rate	clause 94 (8) (c)
202.	Assistant agriculturist — calibrate pesticide application equipment	clause 94 (8) (d)
203.	Assistant agriculturist — select appropriate storage means for pesticide	clause 94 (8) (e)
204.	Assistant agriculturist — select reclamation means for empty pesticide container	clause 94 (8) (f)
205.	Assistant agriculturist — select disposal means for empty pesticide container	clause 94 (8) (f)
206.	Assistant agriculturist — transport Schedule 2 or 5 pesticide waste	clause 94 (8) (g)
207.	Assistant agriculturist — dispose Schedule 2 or 5 pesticide waste	clause 94 (8) (g)
208.	Assistant agriculturist — mix Schedule 2 or 5 pesticide	subsection 94 (9)
209.	Assistant agriculturist — load Schedule 2 or 5 pesticide	subsection 94 (9)
210.	Assistant agriculturist — apply Schedule 2 or 5 pesticide	subsection 94 (9)
211.	Certified agriculturist — fail to be present at site	subsection 94 (9.1) (a)
212.	Certified agriculturist — fail to be on call	subsection 94 (9.1) (b)
213.	Supervise more than 3 assistant agriculturists at once	subsection 94 (11)
214.	Permit use of vehicle without identification marker affixed	section 105.1
215.	Fail to notify Director of change of information	subsection 107 (4)
216.	Fail to display vendor's licence prominently at sales outlet	section 108

ITEM	COLUMN 1	COLUMN 2
217.	Fail to ensure sales outlet has prescribed representative	subsection 109 (1)
218.	Sell pesticide at outlet with no prescribed representative	subsection 109 (3)
219.	Offer to sell pesticide at outlet with no prescribed representative	subsection 109 (3)
220.	Sell Schedule 1 pesticide to person not prescribed in subsection 111 (1)	section 110
221.	Sell Schedule 2 pesticide to person not prescribed in subsection 111 (2)	section 110
222.	Sell Schedule 3 pesticide to person not prescribed in subsection 111 (3)	section 110
223.	Sell Schedule 5 pesticide to person not prescribed in subsection 111 (5)	section 110
224.	Sell Schedule 3 pesticide to person not prescribed in subsection 112 (1)	section 110
225.	Sell pesticide to permit holder contrary to permit	section 113
226.	Fail to keep prescribed sales record of Schedule 1, 2 or 5 pesticide	subsection 118 (1)
227.	Fail to keep pesticide sales record for 2 years	subsection 118 (2)
228.	Fail to keep pesticide sales record as required	subsection 118 (2)
229.	Fail to forward pesticide sales record to Director	subsection 118 (3)
230.	Fail to produce pesticide sales record	subsection 118 (4)
231.	Store pesticide in manner likely to come into contact with food or drink	section 119
232.	Leave Scheduled pesticide accessible in unsupervised vehicle	subsection 120 (1)
233.	Leave Scheduled pesticide unsupervised in vehicle without prescribed wording displayed	subsection 120 (2)
234.	Store Scheduled pesticide so that it poses health or safety risk	subsection 121 (1) para. 1
235.	Store Scheduled pesticide in area not properly maintained	subsection 121 (1) para. 2
236.	Store Scheduled pesticide without prescribed warning sign prominently displayed	subsection 121 (1) para. 3
237.	Store Scheduled pesticide without emergency numbers prominently displayed	subsection 121 (1) para. 4
238.	Store Scheduled pesticide without storage area being vented to outside	clause 122 (1) (a)
239.	Store Scheduled pesticide without prescribed placard affixed and maintained	clause 122 (1) (b)
240.	Store Scheduled pesticide without requiring express permission to enter storage area	clause 122 (1) (c)
241.	Store Scheduled pesticide outdoors without prescribed placard maintained nearby	clause 122 (1) (d)
242.	Store Scheduled pesticide outdoors without requiring express permission to enter storage area	clause 122 (1) (d)
243.	Store Scheduled pesticide in area draining into sewer or watercourse	clause 122 (2) (a)
244.	Store Scheduled pesticide without adequate protective equipment available	clause 122 (2) (b)
245.	Store Scheduled pesticide in area not exclusively for pesticide storage	subsection 123 (1)
246.	Store Scheduled pesticide without giving fire department prescribed notice	subsection 124 (1)
247.	Store Scheduled pesticide without giving fire department prescribed notice	subsection 124 (2)
248.	Display Schedule 1, 2 or 5 pesticide with unrestricted access	clause 125 (a)
249.	Display Schedule 3 pesticide in manner hazardous to children	clause 125 (b)
250.	Display Scheduled pesticide in manner which may cause injury or damage	clause 125 (c)
251.	Display Scheduled pesticide adjacent to food or drink	clause 125 (c)
252.	Transport unsecured pesticide	section 126
253.	Permit transportation of unsecured pesticide	section 126
254.	Cause transportation of unsecured pesticide	section 126
255.	Transport Scheduled pesticide with food or drink	clause 127 (a)
256.	Permit transportation of Scheduled pesticide with food or drink	clause 127 (a)
257.	Cause transportation of Scheduled pesticide with food or drink	clause 127 (a)
258.	Transport Scheduled pesticide with household furnishings	clause 127 (b)
259.	Permit transportation of Scheduled pesticide with household furnishings	clause 127 (b)
260.	Cause transportation of Scheduled pesticide with household furnishings	clause 127 (b)
261.	Transport Scheduled pesticide with personal use commodities	clause 127 (c)
262.	Permit transportation of Scheduled pesticide with personal use commodities	clause 127 (c)
263.	Cause transportation of Scheduled pesticide with personal use commodities	clause 127 (c)

ONTARIO REGULATION 43/03

made under the

POLICE SERVICES ACT

Made: January 20, 2003

Filed: February 19, 2003

Amending O. Reg. 123/98
(General)

Note: Ontario Regulation 123/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 123/98 is revoked and the following substituted:

1. A municipality shall pay to each board member who is appointed by the Lieutenant Governor in Council or the Solicitor General,

- (a) in a municipality having a population exceeding 500,000 according to the last revised assessment roll, not less than \$1,000 a year;
- (b) in a municipality having a population exceeding 100,000 and not exceeding 500,000 according to the last revised assessment roll, not less than \$500 a year;
- (c) in a municipality having a population exceeding 10,000 and not exceeding 100,000 according to the last revised assessment roll, not less than \$300 a year;

- (d) in a municipality whose population does not exceed 10,000 according to the last revised assessment roll, not less than \$100 a year.

2. This Regulation comes into force on the later of the day this Regulation is filed and January 1, 2003.

10/03

ONTARIO REGULATION 44/03

made under the

POLICE SERVICES ACT

Made: January 20, 2003

Filed: February 19, 2003

Revoking Reg. 930 of R.R.O. 1990
(Responsibility of Policing)

1. Regulation 930 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 593/92 are revoked.

10/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—03—15

ONTARIO REGULATION 45/03

made under the

EDUCATION ACT

Made: February 21, 2003

Filed: February 25, 2003

Amending O. Reg. 412/00
(Elections to and Representation on
District School Boards)

Note: Ontario Regulation 412/00 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "municipality" in subsection 1 (1) of Ontario Regulation 412/00 is revoked and the following substituted:

"municipality" includes, other than in section 10 and subsection 11 (4),

- (a) unorganized territory that is deemed to be a district municipality under Ontario Regulation 468/97, and
- (b) if unorganized territory is attached to a municipality for election purposes, the municipality together with the unorganized territory; ("municipalité")

2. (1) Subsection 3 (2) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(2) Subject to any addition of members pursuant to regulations made under section 188 of the Act or pursuant to a resolution described in subsection (3) and subject to any reduction in the number of members pursuant to a resolution passed under subsection 58.1 (10.1) of the Act, the number of members of a board shall be determined by applying the following rules:

.

(2) Section 3 of the Regulation is amended by adding the following subsection:

(3) The board may, by resolution passed before March 31, 2003, determine that the number of members to be elected at the 2003 regular election will be the same as the number of members that were to be elected to the board at the 2000 regular election.

3. The Regulation is amended by adding the following section before the heading "DISTRIBUTION OF MEMBERS TO GEOGRAPHIC AREAS":

3.1 The date before which a resolution may be passed under subsection 58.1 (10.1) of the Act is March 31 in an election year.

4. (1) Paragraph 1 of subsection 6 (1) of the Regulation is amended by striking out the definition of "b" and substituting the following:

b = the total number of members determined for the board under section 3 or, if a resolution under subsection 58.1 (10.1) of the Act is in effect, the total number of members specified in that resolution,

(2) Paragraph 2 of subsection 6 (1) of the Regulation is amended by striking out "the number of members determined for the board under section 3" at the end and substituting "the number determined for "b" in paragraph 1".

5. (1) Paragraph 1 of subsection 7 (1) of the Regulation is amended by striking out the definition of "b" and substituting the following:

b = the total number of members determined for the board under section 3 or, if a resolution under subsection 58.1 (10.1) of the Act is in effect, the total number of members specified in that resolution,

(2) Paragraph 7 of subsection 7 (1) of the Regulation is amended by striking out "the number of members determined for the board under section 3" and substituting "the number determined for "b" in paragraph 1".

6. (1) Subsection 10 (3) of the Regulation is amended by adding "and be accompanied by the fee prescribed under the *Ontario Municipal Board Act*" at the end.

(2) Section 10 of the Regulation is amended by adding the following subsections:

(3.1) The secretary of a board who receives a notice of appeal under subsection (3) shall ensure that,

- (a) a record is compiled consisting of the notice of appeal and the reasons for the objection;
- (b) the record and the fee are forwarded to the Ontario Municipal Board within 15 days after the notice and the fee are received; and
- (c) such other information as the Ontario Municipal Board may require in respect of the appeal that is within the board's possession is forwarded to the Ontario Municipal Board.

(3.2) Despite clause (3.1) (b), if the appeal is withdrawn within 15 days after the notice of appeal and

the fee are filed, the board is not required to forward the materials described under clauses (3.1) (b) and (c) to the Ontario Municipal Board.

7. Sections 11 and 12 of the Regulation are revoked and the following substituted:

CONDUCT OF ELECTIONS

11. (1) This section applies to regular elections and by-elections of members of a board from a geographic area formed for a board under section 6 or 7, if the geographic area is composed of all or part of two or more municipalities.

(2) Subject to subsection (5), the person responsible for conducting the election of members of the board from the geographic area is the school board election clerk of the municipality wholly or partly within the geographic area having the largest population of the board's electoral group.

(3) Nominations shall be filed with the school board election clerk referred to in subsection (2), who shall send the names of the candidates by registered mail within 48 hours after the closing of nominations to the school board election clerk of each municipality that is wholly or partly within the geographic area.

(4) If the distance between the residence of a person seeking nomination and the office of the school board election clerk with whom nominations must be filed is greater than 100 kilometres, the clerk shall, for the purpose of making it easier for the person or the person's

agent to file the nomination, delegate such of his or her powers as may be necessary to,

- (a) the school board election clerk of the municipality in which the person seeking nomination resides, if the person resides in a municipality;
- (b) the school board election clerk of the municipality to which the unorganized territory in which the person seeking nomination resides is attached for election purposes, if the person resides in unorganized territory that is attached to a municipality for election purposes and the territory that is attached is part of the same geographic area as the municipality for election purposes;
- (c) the school board election clerk whose office is in the same geographic area and is closest to the person's residence, in any other case.

(5) The school board election clerk of each municipality wholly or partly within the geographic area is the person responsible for conducting the election of members of the board in the municipality and shall promptly report the vote recorded to the clerk referred to in subsection (2) who shall prepare the final summary, announce the result of the vote and forward the result to the secretary of the board and to the Minister.

8. Sections 13 to 29 of the Regulation are revoked.

9. Table 1 of the Regulation is revoked and the following substituted:

TABLE 1

BOARD AREAS

Item	Name of Board	Area (km ²)
1.	District School Board Ontario North East	24,876
2.	Algoma District School Board	9,069
3.	Rainbow District School Board	14,010
4.	Near North District School Board	17,020
5.	Keewatin-Patricia District School Board	6,310
6.	Rainy River District School Board	10,409
7.	Lakehead District School Board	5,086
8.	Superior-Greenstone District School Board	18,644
9.	Bluewater District School Board	8,686
10.	Avon Maitland District School Board	5,639
11.	Greater Essex County District School Board	1,872
12.	Lambton Kent District School Board	5,505
13.	Thames Valley District School Board	7,278
14.	Toronto District School Board	634
15.	Durham District School Board	1,963
16.	Kawartha Pine Ridge District School Board	6,998
17.	Trillium Lakelands District School Board	12,133
18.	York Region District School Board	1,774
19.	Simcoe County District School Board	4,901
20.	Upper Grand District School Board	4,192
21.	Peel District School Board	1,255
22.	Halton District School Board	973
23.	Hamilton-Wentworth District School Board	1,127
24.	District School Board of Niagara	1,883
25.	Grand Erie District School Board	4,067
26.	Waterloo Region District School Board	1,383
27.	Ottawa-Carleton District School Board	2,806
28.	Upper Canada District School Board	12,112
29.	Limestone District School Board	7,193
30.	Renfrew County District School Board	7,851
31.	Hastings and Prince Edward District School Board	7,200
32.	Northeastern Catholic District School Board	24,888
33.	Nipissing-Parry Sound Catholic District School Board	10,597
34.	Huron-Superior Catholic District School Board	8,813
35.	Sudbury Catholic District School Board	9,317
36.	Northwest Catholic District School Board	11,513
37.	Kenora Catholic District School Board	1,411
38.	Thunder Bay Catholic District School Board	4,936
39.	Superior North Catholic District School Board	18,716
40.	Bruce-Grey Catholic District School Board	8,686
41.	Huron Perth Catholic District School Board	5,639
42.	Windsor-Essex Catholic District School Board	1,872
43.	English-language Separate District School Board No. 38	7,278
44.	St. Clair Catholic District School Board	5,505
45.	Toronto Catholic District School Board	634
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	10,324
47.	York Catholic District School Board	1,774
48.	Dufferin-Peel Catholic District School Board	2,751
49.	Simcoe Muskoka Catholic District School Board	9,383

Item	Name of Board	Area (km ²)
50.	Durham Catholic District School Board	1,963
51.	Halton Catholic District School Board	973
52.	Hamilton-Wentworth Catholic District School Board	1,127
53.	Wellington Catholic District School Board	2,696
54.	Waterloo Catholic District School Board	1,383
55.	Niagara Catholic District School Board	1,883
56.	Brant Haldimand Norfolk Catholic District School Board	4,067
57.	Catholic District School Board of Eastern Ontario	12,112
58.	Ottawa-Carleton Catholic District School Board	2,806
59.	Renfrew County Catholic District School Board	7,851
60.	Algonquin and Lakeshore Catholic District School Board	16,101
61.	Conseil scolaire de district du Nord-Est de l'Ontario	46,453
62.	Conseil scolaire de district du Grand Nord de l'Ontario	62,800
63.	Conseil scolaire de district du Centre Sud-Ouest	68,014
64.	Conseil scolaire de district des écoles publiques de langue française n° 59	37,152
65.	Conseil scolaire de district catholique des Grandes Rivières	24,876
66.	Conseil scolaire de district catholique Franco-Nord	10,597
67.	Conseil scolaire de district catholique du Nouvel-Ontario	18,224
68.	Conseil scolaire de district catholique des Aurores boréales	36,559
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	28,980
70.	Conseil scolaire de district catholique Centre-Sud	40,407
71.	Conseil scolaire de district catholique de l'Est Ontarien	5,326
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	33,543

10. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Section 8 comes into force on October 31, 2003.

RÈGLEMENT DE L'ONTARIO 45/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 21 février 2003
déposé le 25 février 2003

modifiant le Règl. de l'Ont. 412/00
(Élections aux conseils scolaires de district et
représentation au sein de ces conseils)

Remarque : Le Règlement de l'Ontario 412/00 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. La définition de «municipalité» au paragraphe 1 (1) du Règlement de l'Ontario 412/00 est abrogée et remplacée par ce qui suit :

«municipalité» Sauf à l'article 10 et au paragraphe 11 (4), s'entend en outre de ce qui suit :

- a) un territoire non érigé en municipalité qui est réputé une municipalité de district aux termes du Règlement de l'Ontario 468/97;

- b) si un territoire non érigé en municipalité est rattaché à une municipalité aux fins électorales, la municipalité et le territoire non érigé en municipalité. («municipality»)

2. (1) Le paragraphe 3 (2) du Règlement est modifié par substitution de ce qui suit au passage qui précède la disposition 1 :

(2) Sous réserve de l'adjonction de membres conformément aux règlements pris en application de l'article 188 de la Loi ou à une résolution visée au paragraphe (3) et sous réserve de la réduction du nombre de membres conformément à une résolution adoptée en vertu du paragraphe 58.1 (10.1) de la Loi, le nombre des membres d'un conseil est déterminé selon les règles suivantes :

(2) L'article 3 du Règlement est modifié par adjonction du paragraphe suivant :

(3) Le conseil peut, au moyen d'une résolution adoptée avant le 31 mars 2003, déterminer que le nombre de membres à élire lors des élections ordinaires de 2003 sera le même que celui des membres qui devaient être élus au conseil lors des élections ordinaires de 2000.

3. Le Règlement est modifié par adjonction de l'article suivant avant l'intertitre «RÉPARTITION DES MEMBRES ENTRE LES RÉGIONS GÉOGRAPHIQUES» :

3.1 La date avant laquelle une résolution peut être adoptée en vertu du paragraphe 58.1 (10.1) de la Loi est le 31 mars d'une année d'élections.

4. (1) La disposition 1 du paragraphe 6 (1) du Règlement est modifiée par substitution de ce qui suit à la définition de l'élément «b» :

- b correspond au nombre total de membres déterminé pour le conseil aux termes de l'article 3 ou, si une résolution adoptée en vertu du paragraphe 58.1 (10.1) de la Loi est en vigueur, au nombre total de membres que celle-ci précise;

(2) La disposition 2 du paragraphe 6 (1) du Règlement est modifiée par substitution de «le nombre déterminé pour l'élément «b» à la disposition 1» à «le nombre de membres déterminé pour le conseil aux termes de l'article 3» à la fin de la disposition.

5. (1) La disposition 1 du paragraphe 7 (1) du Règlement est modifiée par substitution de ce qui suit à la définition de l'élément «b» :

- b correspond au nombre total de membres déterminé pour le conseil aux termes de l'article 3 ou, si une résolution adoptée en vertu du paragraphe 58.1 (10.1) de la Loi est en vigueur, au nombre total de membres que celle-ci précise;

(2) La disposition 7 du paragraphe 7 (1) du Règlement est modifiée par substitution de «le nombre déterminé pour l'élément «b» à la disposition 1» à «le nombre de membres déterminé pour le conseil aux termes de l'article 3».

6. (1) Le paragraphe 10 (3) du Règlement est modifié par adjonction de «et s'accompagne des droits prescrits en vertu de la Loi sur la Commission des affaires municipales de l'Ontario» à la fin du paragraphe.

(2) L'article 10 du Règlement est modifié par adjonction des paragraphes suivants :

(3.1) Le secrétaire du conseil qui reçoit un avis d'appel visé au paragraphe (3) veille à ce qui suit :

- a) qu'un dossier contenant l'avis d'appel et les motifs de l'opposition soit constitué;
- b) que le dossier et les droits soient transmis à la Commission des affaires municipales de l'Ontario dans les 15 jours qui suivent la réception de l'avis et des droits;
- c) que les autres renseignements en la possession du conseil que la Commission des affaires municipales de l'Ontario peut exiger à l'égard de l'appel soient transmis à celle-ci.

(3.2) Malgré l'alinéa (3.1) b), si l'appel est retiré dans les 15 jours qui suivent le dépôt de l'avis d'appel et le versement des droits, le conseil n'est pas tenu de transmettre les documents visés aux alinéas (3.1) b) et c) à la Commission des affaires municipales de l'Ontario.

7. Les articles 11 et 12 du Règlement sont abrogés et remplacés par ce qui suit :

DÉROULEMENT DES ÉLECTIONS

11. (1) Le présent article s'applique aux élections ordinaires et aux élections partielles de membres d'un conseil d'une région géographique établie pour un conseil aux termes de l'article 6 ou 7 si celle-ci est constituée de la totalité ou d'une partie de deux municipalités ou plus.

(2) Sous réserve du paragraphe (5), le secrétaire des élections scolaires de la municipalité comprise, en totalité ou en partie, dans la région géographique qui compte la population la plus élevée des membres du groupe électoral du conseil est responsable du déroulement de l'élection des membres du conseil de la région géographique.

(3) Les mises en candidature sont déposées auprès du secrétaire des élections scolaires visé au paragraphe (2). Celui-ci envoie les noms des candidats par courrier recommandé dans les 48 heures qui suivent la clôture des mises en candidature au secrétaire des élections scolaires de chacune des municipalités comprises en totalité ou en partie dans la région géographique.

(4) Si la distance entre le domicile d'une personne qui cherche à se porter candidate et le bureau du secrétaire des élections scolaires auprès duquel les mises en candidature doivent être déposées est de plus de 100 kilomètres, le secrétaire délègue, pour faciliter le dépôt de la mise en candidature par la personne ou son mandataire, ceux de ses pouvoirs jugés nécessaires :

- a) soit au secrétaire des élections scolaires de la municipalité dans laquelle réside la personne qui cherche à se porter candidate, le cas échéant;

- b) soit au secrétaire des élections scolaires de la municipalité à laquelle le territoire non érigé en municipalité dans lequel réside la personne qui cherche à se porter candidate est rattaché aux fins électorales, si elle réside dans un tel territoire et que ce territoire est situé dans la même région géographique que la municipalité à ces fins;
- c) soit au secrétaire des élections scolaires dont le bureau se trouve dans la même région géographique et est situé le plus près de la résidence de la personne, dans les autres cas.

(5) Le secrétaire des élections scolaires de chaque municipalité comprise en totalité ou en partie dans la région géographique est responsable du déroulement de l'élection des membres du conseil de la municipalité et fait rapidement état du vote enregistré au secrétaire visé au paragraphe (2). Ce dernier prépare la compilation définitive, annonce les résultats du vote et communique ceux-ci au secrétaire du conseil et au ministre.

8. Les articles 13 à 29 du Règlement sont abrogés.

9. Le tableau 1 du Règlement est abrogé et remplacé par ce qui suit :

TABLEAU 1
TERRITOIRES DES CONSEILS

Point	Nom du conseil	Superficie (km ²)
1.	District School Board Ontario North East	24 876
2.	Algoma District School Board	9 069
3.	Rainbow District School Board	14 010
4.	Near North District School Board	17 020
5.	Keewatin-Patricia District School Board	6 310
6.	Rainy River District School Board	10 409
7.	Lakehead District School Board	5 086
8.	Superior-Greenstone District School Board	18 644
9.	Bluewater District School Board	8 686
10.	Avon Maitland District School Board	5 639
11.	Greater Essex County District School Board	1 872
12.	Lambton Kent District School Board	5 505
13.	Thames Valley District School Board	7 278
14.	Toronto District School Board	634
15.	Durham District School Board	1 963
16.	Kawartha Pine Ridge District School Board	6 998
17.	Trillium Lakelands District School Board	12 133
18.	York Region District School Board	1 774
19.	Simcoe County District School Board	4 901
20.	Upper Grand District School Board	4 192
21.	Peel District School Board	1 255
22.	Halton District School Board	973
23.	Hamilton-Wentworth District School Board	1 127
24.	District School Board of Niagara	1 883

Point	Nom du conseil	Superficie (km ²)
25.	Grand Erie District School Board	4 067
26.	Waterloo Region District School Board	1 383
27.	Ottawa-Carleton District School Board	2 806
28.	Upper Canada District School Board	12 112
29.	Limestone District School Board	7 193
30.	Renfrew County District School Board	7 851
31.	Hastings and Prince Edward District School Board	7 200
32.	Northeastern Catholic District School Board	24 888
33.	Nipissing-Parry Sound Catholic District School Board	10 597
34.	Huron-Superior Catholic District School Board	8 813
35.	Sudbury Catholic District School Board	9 317
36.	Northwest Catholic District School Board	11 513
37.	Kenora Catholic District School Board	1 411
38.	Thunder Bay Catholic District School Board	4 936
39.	Superior North Catholic District School Board	18 716
40.	Bruce-Grey Catholic District School Board	8 686
41.	Huron Perth Catholic District School Board	5 639
42.	Windsor-Essex Catholic District School Board	1 872
43.	English-language Separate District School Board No. 38	7 278
44.	St. Clair Catholic District School Board	5 505
45.	Toronto Catholic District School Board	634
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	10 324
47.	York Catholic District School Board	1 774
48.	Dufferin-Peel Catholic District School Board	2 751
49.	Simcoe Muskoka Catholic District School Board	9 383
50.	Durham Catholic District School Board	1 963
51.	Halton Catholic District School Board	973
52.	Hamilton-Wentworth Catholic District School Board	1 127
53.	Wellington Catholic District School Board	2 696
54.	Waterloo Catholic District School Board	1 383
55.	Niagara Catholic District School Board	1 883
56.	Brant Haldimand Norfolk Catholic District School Board	4 067
57.	Catholic District School Board of Eastern Ontario	12 112
58.	Ottawa-Carleton Catholic District School Board	2 806
59.	Renfrew County Catholic District School Board	7 851
60.	Algonquin and Lakeshore Catholic District School Board	16 101
61.	Conseil scolaire de district du Nord-Est de l'Ontario	46 453
62.	Conseil scolaire de district du Grand Nord de l'Ontario	62 800
63.	Conseil scolaire de district du Centre Sud-Ouest	68 014
64.	Conseil scolaire de district des écoles publiques de langue française n° 59	37 152
65.	Conseil scolaire de district catholique des Grandes Rivières	24 876
66.	Conseil scolaire de district catholique Franco-Nord	10 597
67.	Conseil scolaire de district catholique du Nouvel-Ontario	18 224
68.	Conseil scolaire de district catholique des Aurores boréales	36 559
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	28 980
70.	Conseil scolaire de district catholique Centre-Sud	40 407
71.	Conseil scolaire de district catholique de l'Est Ontarien	5 326
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	33 543

10. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le jour de son dépôt.

(2) L'article 8 entre en vigueur le 31 octobre 2003.

ONTARIO REGULATION 46/03

made under the

HIGHWAY TRAFFIC ACT

Made: February 12, 2003
 Filed: February 26, 2003

Amending O. Reg. 510/99
 (Community Safety Zones)

Note: Ontario Regulation 510/99 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 510/99 is amended by adding the following Schedule:

SCHEDULE 8**TOWNSHIP OF SIOUX NARROWS NESTOR FALLS**

1. (1) That part of the King's Highway known as No. 71 in the Township of Sioux Narrows Nestor Falls in the Territorial District of Kenora lying between a point situate at its intersection with the centre line of the road-way known as Fadden Road and a point situate 350 metres measured northerly from its intersection with the northerly abutment of the Sioux Narrows Bridge.

(2) This designation is effective between 6 a.m. and 10 p.m., seven days a week and every month of the year.

ROBERT W. RUNCIMAN
Minister of Public Safety and Security

Dated on February 12, 2003.

11/03

ONTARIO REGULATION 47/03

made under the

HIGHWAY TRAFFIC ACT

Made: February 25, 2003
 Filed: February 27, 2003

Amending Reg. 598 of R.R.O. 1990
 (Gross Weight on Bridges)

Note: Regulation 598 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 2 of Regulation 598 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

2. No person shall move a vehicle or combination of vehicles of a class described in Column 2 of Schedule 4, 5, 6, 9 or 10 on, over or upon a bridge described in Column 1 if the gross weight of the vehicle or combination of vehicles is greater than the weight in tonnes set opposite in Column 3.

2. Schedule 7 to the Regulation is revoked.

NORMAN W. STERLING
Minister of Transportation

Dated on February 25, 2003.

11/03

ONTARIO REGULATION 48/03

made under the

SECURITIES ACT

Made: January 28, 2003
 Approved: February 17, 2003
 Filed: February 27, 2003

Amending Reg. 1015 of R.R.O. 1990
 (General)

Note: Regulation 1015 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 203.1 of Regulation 1015 of the Revised Regulations of Ontario, 1990 is revoked.

2. Section 203.2 of the Regulation is revoked.

3. Schedule 1 to the Regulation is revoked.

4. Forms 42, 43 and 44 of the Regulation are revoked.

5. This Regulation comes into force on the day that the rule made by the Ontario Securities Commission on January 28, 2003 entitled "Ontario Securities Commission Rule 13-502 Fees" comes into force.

ONTARIO SECURITIES COMMISSION:

DAVID A. BROWN
Chair

HOWARD I. WETSTON
Vice-Chair

Dated on January 28, 2003.

Note: The rule made by the Ontario Securities Commission on January 28, 2003 entitled "Ontario Securities Commission Rule 33-502 Fees" comes into force on March 31, 2003.

11/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—03—22

ONTARIO REGULATION 49/03

made under the

EDUCATION ACT

Made: February 27, 2003

Filed: March 3, 2003

Amending O. Reg. 521/01
(Collection of Personal Information)

Note: Ontario Regulation 521/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 521/01 is amended by adding the following subsection:

(2) An individual who would be a service provider under this Regulation only by reason of being a school bus driver, a driving instructor or both is not a service provider for the purposes of this Regulation while he or she satisfies the requirements set out by the Ministry of Transportation applicable to school bus drivers or driving instructors, as the case may be.

ELIZABETH WITMER
Minister of Education

Dated on February 27, 2003.

RÈGLEMENT DE L'ONTARIO 49/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 27 février 2003
déposé le 3 mars 2003

modifiant le Règl. de l'Ont. 521/01
(Collecte de renseignements personnels)

Remarque : Le Règlement de l'Ontario 521/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. L'article 1 du Règlement de l'Ontario 521/01 est modifié par adjonction du paragraphe suivant :

(2) Le particulier qui serait un fournisseur de services au sens du présent règlement au seul motif qu'il est conducteur d'autobus scolaire, moniteur de conduite automobile ou les deux n'est pas un fournisseur de services pour l'application du présent règlement tant qu'il satisfait aux exigences énoncées par le ministère des Transports qui visent les conducteurs d'autobus scolaire ou les moniteurs de conduite automobile, selon le cas.

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 27 février 2003.

12/03

ONTARIO REGULATION 50/03

made under the

HEALTH INSURANCE ACT

Made: March 5, 2003

Filed: March 6, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulation 18/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "schedule of benefits" in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

5. Amendments dated March 31, 2003.

2. Section 37.5 of the Regulation is revoked and the following substituted:

37.5 (1) The fee payable for an insured service rendered by a physician during a fiscal year referred to in Column 1 of the Table to this section shall be decreased in accordance with subsection (2) if the total amount payable for insured services rendered by the physician between the beginning of the fiscal year and the day the service is rendered exceeds the threshold amount set out opposite the fiscal year in Column 2 of the Table to this section.

(2) For the purposes of subsection (1), in the case of an insured service rendered during a fiscal year referred to in Column 1 of the Table to this section, if the total amount payable for insured services rendered by the physician between the beginning of the fiscal year and the day the insured service is rendered is equal to or exceeds the threshold amount set out opposite the fiscal year in Column 2 of the Table, the fee payable for the insured service is one-third of the basic fee otherwise payable.

(3) For the purposes of this section, the total amount payable for insured services shall include the amounts payable for all insured services other than the following:

1. A service set out in Appendix E to the General Preamble to the schedule of benefits.
2. A service rendered under the Underserviced Area Program of the Ministry of Health.

(4) Despite subsection (1), the fee payable for the following insured services shall not be decreased under this section:

1. A service set out in Parts 1, 3, 4 and 5 of Appendix E to the General Preamble to the schedule of benefits.
2. A service rendered under the Underserviced Area Program of the Ministry of Health.

(5) In this section,

"fiscal year" means the period from April 1 of each year to and including March 31 of the following year.

(6) This section, as it read immediately before April 1, 2002, continues to apply with respect to payments for services rendered before April 1, 2002.

TABLE
THRESHOLD AMOUNTS FOR
PHYSICIAN PROVIDERS

COLUMN 1	COLUMN 2
Fiscal year	Total amount payable
For the fiscal year beginning April 1, 2002, and any subsequent fiscal year	455,000

3. This Regulation shall be deemed to have come into force on April 1, 2002.

ONTARIO REGULATION 51/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: March 5, 2003

Filed: March 6, 2003

Amending O. Reg. 339/02

(Electricity Pricing)

Note: Ontario Regulation 339/02 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 3.1 (3) of Ontario Regulation 339/02 is amended by striking out “not later than March 31, 2003” and substituting “not later than September 30, 2003”.

2. Subsection 3.2 (3) of the Regulation is amended by striking out “not later than March 31, 2003” and substituting “not later than September 30, 2003”.

3. The Regulation is amended by adding the following sections:

Obligation to make payments under subs. 79.1 (16) of the Act

3.2.1 (1) For the purposes of subsection 79.1 (16) of the Act, a distributor shall make a payment to a consumer who,

- (a) had an account with the distributor at any time between May 1, 2002 and November 24, 2002;
- (b) was charged by the distributor as a residential customer;
- (c) did not have an account with any distributor or a contract with any retailer licensed under Part V of the Act on November 25, 2002 and can so satisfy the distributor; and
- (d) has not received any payment under Part V of the Act, other than a payment under this section.

(2) For the purposes of subsection 79.1 (16) of the Act, a retailer shall make a payment to a consumer who,

- (a) had a contract with the retailer at any time between May 1, 2002 and November 24, 2002 where the retailer billed the consumer under retailer consolidated billing;
- (b) was charged as a residential customer;
- (c) did not have an account with any distributor or a contract with any retailer licensed under Part V of the Act on November 25, 2002 and can so satisfy the retailer; and
- (d) has not received any payment under Part V of the Act, other than a payment under this section.

(3) A consumer shall make a request for a payment under subsection (1) or (2) by September 30, 2003.

(4) The amount of the payment to the consumer under subsections (1) and (2) shall be calculated in accordance with section 3.2.2.

Calculation of payments under subs. 79.1 (16) of the Act

3.2.2 (1) Subject to subsection (3), the amount of a payment by a distributor or retailer to a consumer as required by section 3.2.1 shall be determined in accordance with the following formula:

$$A - B$$

where,

A = subject to subsection (2), the total amount that the consumer paid to that distributor or retailer, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to November 24, 2002,

B = subject to subsection (2), the total amount that the consumer would have been charged, by that distributor or retailer, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to November 24, 2002, if the commodity price for electricity had been 4.3 cents per kilowatt hour during that period.

(2) If May 1, 2002 falls within a billing period that includes any day before that day, or if November 24, 2002 falls within a billing period that includes any day after that day, a distributor or retailer may, for the purpose of subsection (1), estimate the amounts charged during that billing period that relate to electricity used during the period from May 1, 2002 to November 24, 2002.

(3) The amount of the payment that a distributor or retailer is required to make under section 3.2.1 to a consumer is the amount determined under subsection (1) or zero, whichever is greater.

(4) A distributor or retailer who is required to make a payment under section 3.2.1 shall do so by mailing or hand-delivering a cheque or some other form of payment mutually agreed on to the consumer at the most recent address provided by the consumer or at such other location as may be mutually agreed on.

(5) Despite subsection (1), the amount of payment by a distributor required under section 3.2.1 to a consumer who maintained a PPVA account between May 1, 2002 and November 24, 2002 shall be equal to the amount paid by the consumer to the distributor to reduce the outstanding PPVA account with the distributor to zero.

12/03

ONTARIO REGULATION 52/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: March 5, 2003

Filed: March 6, 2003

Amending O. Reg. 341/02

(Payments re Sections 79.1 and 79.2 of the Act)

Note: Ontario Regulation 341/02 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 341/02 is amended by adding the following sections:

PAYMENTS RE SUBSECTION 79.1 (16) OF THE ACT

Definition, sections 14.2 to 14.5

14.1 In sections 14.2 to 14.5,

“entitled consumer” means a consumer entitled to a payment under subsection 79.1 (16) of the Act by virtue of section 3.2.1 of Ontario Regulation 339/02 (Electricity Pricing).

Payments by licensed distributors to retailers

14.2 (1) Every licensed distributor shall make a payment to a retailer in accordance with this section in respect of any payments that the retailer is required to make under subsection 79.1 (16) of the Act to entitled consumers who were located in the licensed distributor’s service area during the period in respect of which they are entitled to the payment.

(2) The amount of the payment is the aggregate of all amounts payable by the retailer under subsection 79.1 (16) of the Act to the entitled consumers who were located in the licensed distributor’s service area.

(3) The licensed distributor shall make payment to the retailer by paying the retailer the amount described in subsection (2) or by way of set-off of the amount against amounts payable by the retailer to the licensed distributor.

(4) The licensed distributor shall make the payment,

(a) after receiving a statement from the retailer setting out the number of entitled consumers to whom the retailer is required to make a payment under subsection 79.1 (16) of the Act who were located in the licensed distributor’s service area and the total amount payable by the retailer to those consumers; and

(b) after the IMO makes the payment to the licensed distributor required by section 14.4.

(5) The licensed distributor shall make the payment in accordance with subsection (4) even if the retailer has not yet made any payments under subsection 79.1 (16) of the Act to entitled consumers who were located in the licensed distributor’s service area.

(6) Every retailer shall provide the following information to the licensed distributor, the IMO and the Financial Corporation forthwith after making the payments required under subsection 79.1 (16) of the Act to entitled consumers who were located in the licensed distributor’s service area:

1. The number of entitled consumers to whom the retailer made a payment under subsection 79.1 (16) of the Act who were located in the licensed distributor’s service area.
2. The total amount paid by the retailer under subsection 79.1 (16) of the Act to those entitled consumers.

Payments by licensed distributors to embedded distributors

14.3 (1) Every licensed distributor who is a market participant shall make a payment in accordance with this section to an embedded distributor in respect of any payments the embedded distributor is required to make,

- (a) under subsection 79.1 (16) of the Act to entitled consumers who were located in the embedded distributor's service area during the period in respect of which they are entitled to the payment; or
- (b) under section 14.2 to a retailer.

(2) The amount of the payment is the aggregate of all amounts payable by the embedded distributor under subsection 79.1 (16) of the Act to the entitled consumers who were located in the embedded distributor's service area and under section 14.2 to retailers.

(3) The licensed distributor shall make the payment to the embedded distributor by paying the embedded distributor the amount required by subsection (2) or by way of set-off of the amount against amounts payable by the embedded distributor to the licensed distributor.

(4) The licensed distributor shall make the payment,

(a) after receiving from the embedded distributor a statement setting out,

- (i) the number of entitled consumers to whom the embedded distributor is required to make a payment under subsection 79.1 (16) of the Act who were located in the licensed distributor's service area and the total amount payable by the embedded distributor to those entitled consumers, and
- (ii) all of the information in statements provided to the embedded distributor by retailers under clause 14.2 (4) (a); and

(b) after the IMO makes the payment to the licensed distributor required by section 14.4.

(5) The licensed distributor shall make the payment in accordance with subsection (4) even if the embedded distributor has not yet made any payments under subsection 79.1 (16) of the Act to entitled consumers who were located in the embedded distributor's service area or under section 14.2 to retailers.

(6) Every embedded distributor shall provide the following information to the IMO and the Financial Corporation forthwith after making the payments required under subsection 79.1 (16) of the Act:

1. The number of entitled consumers to whom the embedded distributor made a payment under subsection 79.1 (16) of the Act.
2. The total amount paid by the embedded distributor under subsection 79.1 (16) of the Act to those entitled consumers.

Payments by the IMO to licensed distributors

14.4 (1) The IMO shall make a payment to every licensed distributor who is a market participant and is required to make a payment described in section 14.2 to a retailer, and the payment that the IMO is required by this subsection to make is equal to the payment, if any, that the licensed distributor is required to make under section 14.2 to the retailer.

(2) The IMO shall make the payment required by subsection (1) to a licensed distributor after receiving a statement from the licensed distributor setting out the information provided to the licensed distributor under clause 14.2 (4) (a).

(3) The IMO shall make a payment to every licensed distributor who is a market participant and who is required to make a payment described in section 14.3 to an embedded distributor, and the payment that the IMO is required by this subsection to make is equal to the payment, if any, that the licensed distributor is required to make under section 14.3 to the embedded distributor.

(4) The IMO shall make the payment required by subsection (3) to a licensed distributor after receiving a statement from the licensed distributor setting out the information provided to the licensed distributor under clause 14.3 (4) (a).

(5) The IMO shall make a payment to a licensed distributor who is a market participant and who is required to make a payment under subsection 79.1 (16) of the Act to entitled consumers who were located in the licensed distributor's service area during the period in respect of which they are entitled to the payment, and the payment that the IMO is required by this subsection to make is equal to the aggregate of the payments that the licensed distributor is required to make under subsection 79.1 (16) of the Act to those consumers.

(6) The IMO shall make the payment required by subsection (5) to a licensed distributor after receiving a statement from the licensed distributor setting out the number of entitled consumers to whom the licensed distributor is required to make a payment under subsection 79.1 (16) of the Act and the total amount payable by the licensed distributor to those consumers.

(7) The IMO shall make a payment required by this section to a licensed distributor by paying the licensed distributor an amount payable to the licensed distributor under this section or by way of set-off of the amount against amounts payable to the IMO by the licensed distributor.

(8) The IMO shall make the payments required by this section to a licensed distributor even if the licensed distributor has not yet made any payments to entitled consumers under subsection 79.1 (16) of the Act, to retailers under section 14.2 of this Regulation or to embedded distributors under section 14.3 of this Regulation.

(9) Every licensed distributor who is a market participant shall provide the following information to the IMO and the Financial Corporation forthwith after making the payments required under subsection 79.1 (16) of the Act:

1. The number of entitled consumers to whom the licensed distributor made a payment under subsection 79.1 (16) of the Act.
2. The total amount paid by the licensed distributor under subsection 79.1 (16) of the Act to those entitled consumers.

Payments by the Financial Corporation to the IMO

14.5 (1) The Financial Corporation shall make a payment to the IMO equal to the amount, if any, that the IMO is required to make to a licensed distributor under section 14.4.

(2) The Financial Corporation shall make the payment required by subsection (1) after receiving from the IMO such information as the Financial Corporation may require concerning the licensed distributor and the retailers and embedded distributors referred to in section 14.4 and concerning the payments to be made by the IMO under that section.

(3) The Financial Corporation shall make the payment required by subsection (1) even if the IMO has not yet made any payment to the licensed distributor under section 14.4.

(4) The Financial Corporation may make the payment required by subsection (1) by paying the amount to the IMO or by way of set-off of the amount in the accounts maintained by the IMO, at the option of the Financial Corporation.

2. The Regulation is amended by adding the following section:

Reporting to the Financial Corporation

16.1 Upon request, the IMO, a licensed distributor or a retailer shall give the Financial Corporation such information relating to payments required by this Regulation as the Financial Corporation may require, in the form and within the period specified by the Financial Corporation.

3. (1) Subsection 17 (2) of the Regulation is amended by striking out "section 2 or 9" and substituting "section 2, 9 or 14.2".

(2) Subsection 17 (3) of the Regulation is amended by striking out "section 3, 4, 10 or 11" and substituting "section 3, 4, 10, 11 or 14.3".

12/03

ONTARIO REGULATION 53/03

made under the

INTERJURISDICTIONAL SUPPORT ORDERS ACT, 2002

Made: March 5, 2003

Filed: March 6, 2003

RECIPROCATING JURISDICTIONS

Reciprocating jurisdictions

1. The following are declared to be reciprocating jurisdictions for the purposes of the Act:

1. All provinces and territories of Canada apart from Ontario.
2. The United States of America, including the 50 states, American Samoa, District of Columbia, Guam, Puerto Rico, United States Virgin Islands and any other jurisdiction of the United States participating in Title IV-D of the *Social Security Act* (U.S.A.).
3. The Commonwealth of Australia and the following States and Territories of Australia:

Capital Territory of Australia	South Australia
New South Wales	Tasmania
Northern Territory of Australia	Victoria
Queensland	Western Australia

4. The following jurisdictions:

Federal Republic of Germany
Fiji
Finland
Gibraltar
Guernsey, Alderney and Sark
Hong Kong
Isle of Man
Malta and its Dependencies
New Zealand and the Cook Islands
Papua New Guinea
Republic of Austria
Republic of Ghana
Republic of Poland
Republic of South Africa
States of Jersey
United Kingdom
Zimbabwe

Revocation

2. Ontario Regulations 140/94, 461/98, 313/00 and 207/02 are revoked.

Commencement

3. This Regulation comes into force on the day the *Interjurisdictional Support Orders Act, 2002* comes into force.

RÈGLEMENT DE L'ONTARIO 53/03

pris en application de la

LOI DE 2002 SUR LES ORDONNANCES ALIMENTAIRES D'EXÉCUTION RÉCIPROQUE

pris le 5 mars 2003
déposé le 6 mars 2003

AUTORITÉS PRATIQUANT LA RÉCIPROCITÉ

Autorités pratiquant la réciprocité

1. Les autorités suivantes sont déclarées des autorités pratiquant la réciprocité pour l'application de la Loi :
 1. Toutes les provinces, sauf l'Ontario, et tous les territoires du Canada.
 2. Les États-Unis d'Amérique, y compris les 50 États, les Samoa américaines, le district fédéral de Columbia, Guam, Puerto Rico, les Îles Vierges des États-Unis et tout autre territoire des États-Unis qui participe au programme visé au titre IV-D de la loi intitulée *Social Security Act* (U.S.A.).
 3. Le Commonwealth d'Australie et les États et territoires suivants de l'Australie :

Australie-Méridionale	Tasmanie
Australie-Occidentale	Territoire du Nord
Nouvelle-Galles du Sud	Territoire fédéral de la capitale
Queensland	Victoria

4. Les autorités suivantes :

États de Jersey
Fidji
Finlande
Gibraltar
Guernesey, Aurigny et Sercq
Hong Kong
Île de Man
Malte et ses dépendances
Nouvelle-Zélande et les Îles Cook
Papouasie-Nouvelle-Guinée
République d'Autriche

République de Pologne
République du Ghana
République fédérale d'Allemagne
République sud-africaine
Royaume-Uni
Zimbabwe

Abrogation

2. Les Règlements de l'Ontario 140/94, 461/98, 313/00 et 207/02 sont abrogés.

Entrée en vigueur

3. Le présent règlement entre en vigueur le jour où la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque* entre en vigueur.

12/03

ONTARIO REGULATION 54/03

made under the

COURTS OF JUSTICE ACT

Made: February 7, 2003
Approved: March 5, 2003
Filed: March 6, 2003

Amending Reg. 194 of R.R.O. 1990
(Rules of Civil Procedure)

Note: Since the end of 2002, Regulation 194 has been amended by Ontario Regulation 19/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subrule 60.08 (10) of Regulation 194 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(10) If the garnishee is a financial institution, the notice of garnishment and all further notices required to be served under this rule shall be served at the branch at which the debt is payable, unless subrule (10.1) applies.

(10.1) If the garnishee is a financial institution to which the *Bank Act* (Canada), the *Cooperative Credit Associations Act* (Canada) or the *Trust and Loan Companies Act* (Canada) applies and the garnishment enforces an order described in subsection 34 (1) of the *Family Law Act* or a support order as defined in subsection 2 (1) of the *Divorce Act* (Canada) or in section 1 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*, the notice of garnishment and all further notices required to be served under this rule,

- (a) shall be served at the designated office of the institution established for this purpose; and
- (b) shall be accompanied by a statement to garnishee financial institution re support in Form 29J of the Family Law Rules (Ontario Regulation 114/99).

(2) Clause 60.08 (13) (a) of the Regulation is revoked and the following substituted:

- (a) if the garnishee is a financial institution, money in an account opened after the notice of garnishment is served;

2. Clause 70.01 (1) (c) of the Regulation is revoked and the following substituted:

- (c) the *Interjurisdictional Support Orders Act, 2002*;

3. Clause 70.03.1 (2) (c) of the Regulation is revoked and the following substituted:

- (c) the *Interjurisdictional Support Orders Act, 2002*.

4. Rules 70.08.1 and 70.08.2 of the Regulation are revoked and the following substituted:

VARIATION APPLICATION

70.08.1 (1) Rule 69.24 (variation of final order) applies, with necessary modifications, in respect of a support order made under the *Family Law Act* or a custody or access order made under the *Children's Law Reform Act*.

(2) Rule 37 of the Family Law Rules (Ontario Regulation 114/99) applies, with necessary modifications, to a support order made under the *Interjurisdictional Support Orders Act, 2002*.

MOTION TO VARY CHILD SUPPORT ORDER

70.08.2 (1) Rule 69.24.1 (motion to vary child support) applies, with necessary modifications, in respect of a support order made under the *Family Law Act*.

(2) Rule 37 of the Family Law Rules (Ontario Regulation 114/99) applies, with necessary modifications, to a support order made under the *Interjurisdictional Support Orders Act, 2002*.

5. Rule 70.13 of the Regulation is revoked.

6. (1) Subject to subsection (2), this Regulation comes into force on filing.

(2) Sections 2, 3, 4 and 5 come into force on the day the *Interjurisdictional Support Orders Act, 2002* comes into force.

RÈGLEMENT DE L'ONTARIO 54/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 7 février 2003
approuvé le 5 mars 2003
déposé le 6 mars 2003

modifiant le Règl. 194 des R.R.O. de 1990
(Règles de procédure civile)

Remarque : Depuis la fin de 2002, le Règlement 194 a été modifié par le Règlement de l'Ontario 19/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Le paragraphe 60.08 (10) du Règlement 194 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

(10) Si le tiers saisi est une institution financière, l'avis de saisie-arrêt et tous les autres avis qui doivent être signifiés en application de la présente règle sont signifiés à la succursale où la créance est exigible, sauf si le paragraphe (10.1) s'applique.

(10.1) Si le tiers saisi est une institution financière à laquelle s'applique la *Loi sur les banques* (Canada), la *Loi sur les associations coopératives de crédit* (Canada) ou la *Loi sur les sociétés de fiducie et de prêt* (Canada) et que la saisie-arrêt exécute une ordonnance visée au paragraphe 34 (1) de la *Loi sur le droit de la famille* ou une ordonnance alimentaire au sens du paragraphe 2 (1) de la *Loi sur le divorce* (Canada) ou de l'article 1 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*, l'avis de saisie-arrêt et tous les autres avis qui doivent être signifiés en application de la présente règle :

- a) d'une part, sont signifiés au bureau désigné de l'institution établi à cette fin;
- b) d'autre part, sont accompagnés d'une déclaration à l'institution financière (tiers saisi) relative aux aliments qui est rédigée selon la formule 29J des Règles en matière de droit de la famille (Règlement de l'Ontario 114/99).

(2) L'alinéa 60.08 (13) a) du Règlement est abrogé et remplacé par ce qui suit :

- a) si le tiers saisi est une institution financière, les sommes déposées dans un compte ouvert après que l'avis de saisie-arrêt est signifié;

2. L'alinéa 70.01 (1) c) du Règlement est abrogé et remplacé par ce qui suit :

- c) de la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*;

3. L'alinéa 70.03.1 (2) c) du Règlement est abrogé et remplacé par ce qui suit :

- c) la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*.

4. Les règles 70.08.1 et 70.08.2 du Règlement sont abrogées et remplacées par ce qui suit :

REQUÊTE EN MODIFICATION

70.08.1 (1) La règle 69.24 (modification d'une ordonnance définitive) s'applique, avec les adaptations nécessaires, à une ordonnance alimentaire qui a été rendue en vertu de la *Loi sur le droit de la famille* ou à une ordonnance accordant la garde d'un enfant ou le droit de visite qui a été rendue en vertu de la *Loi portant réforme du droit de l'enfance*.

(2) La règle 37 des Règles en matière de droit de la famille (Règlement de l'Ontario 114/99) s'applique, avec les adaptations nécessaires, à une ordonnance alimentaire qui a été rendue en vertu de la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*.

MOTION VISANT À MODIFIER UNE ORDONNANCE ALIMENTAIRE À L'ÉGARD D'UN ENFANT

70.08.2 (1) La règle 69.24.1 (motion visant à modifier une ordonnance alimentaire à l'égard d'un enfant) s'applique, avec les adaptations nécessaires, à l'égard d'une ordonnance alimentaire qui a été rendue en vertu de la *Loi sur le droit de la famille*.

(2) La règle 37 des Règles en matière de droit de la famille (Règlement de l'Ontario 114/99) s'applique, avec les adaptations nécessaires, à une ordonnance alimentaire qui a été rendue en vertu de la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*.

5. La règle 70.13 du Règlement est abrogée.

6. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le jour de son dépôt.

(2) Les articles 2, 3, 4 et 5 entrent en vigueur le même jour que la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*.

12/03

ONTARIO REGULATION 55/03

made under the

INTERJURISDICTIONAL SUPPORT ORDERS ACT, 2002

Made: March 5, 2003

Filed: March 6, 2003

GENERAL**Definitions**

1. In this Regulation,

“rules” means the *Family Law Rules*, Ontario Regulation 114/99; (“règles”)

“send”, when used in reference to a person, means to,

- (a) send by ordinary or regular mail to the person's lawyer or, if none, to the person,
- (b) send by courier to the person's lawyer or, if none, to the person,
- (c) deposit at a document exchange to which the person's lawyer belongs, or
- (d) fax to the person's lawyer or, if none, to the person. (“envoyer”)

NEW ORDER — CLAIMANT IN ONTARIO**Support application**

2. A claimant to whom subsection 5 (1) of the Act applies shall use Form A (support application/support variation application), Form B (identification information) and any of Forms C to M that are necessary in the particular case.

Further information or documents

3. For the purpose of subsection 6 (3) of the Act, further information or documents requested by the appropriate authority in a reciprocating jurisdiction shall be provided as follows:

- 1. If the information or documents are provided by the claimant, they shall be part of, or attached as exhibits to, a sworn statement made by the claimant. The claimant shall give the sworn statement to the designated authority, which shall send it to the appropriate authority.**

2. If the information or documents are provided by the designated authority, the designated authority shall send them to the appropriate authority. No sworn statement is required.

When order received in Ontario

4. On receiving a certified copy of an order and reasons, if any, as described in subsection 6 (4) of the Act, the designated authority shall send a copy of the order and reasons, if any, to the claimant at the address shown on the support application or the more recent address provided by the claimant.

Provisional order

5. A claimant to whom section 7 of the Act applies shall use Form A (support application/support variation application), Form B (identification information) and any of Forms C to M that are necessary in the particular case.

NEW ORDER — CLAIMANT OUTSIDE ONTARIO

Service on respondent

6. For the purposes of section 10 of the Act,
 - (a) the clerk of the Ontario court shall serve the documents referred to in that section on the respondent in accordance with subrule 37 (3) of the rules; and
 - (b) the information or documents that the respondent is required to provide are set out in subrule 37 (4) of the rules.

Order made in absence of respondent

7. For the purposes of subsection 15 (2) of the Act, the Ontario court shall send copies of an order made under subsection 15 (1) of the Act to the designated authority and to the respondent in accordance with subrule 37 (16) of the rules.

REGISTRATION AND ENFORCEMENT OF ORDERS MADE OUTSIDE ONTARIO

Sending order to court

8. (1) When the designated authority receives a certified copy of an order under subsection 18 (2) of the Act, the designated authority shall send the certified copy to the clerk of the Ontario court sitting nearest the place where the party is believed to reside.

- (2) Subsection (1) also applies with respect to orders received as described in subsections 6 (4) and 28 (4) of the Act.

Notice of registration of order made outside Canada

9. For the purpose of subsection 20 (1) of the Act, the clerk of the Ontario court shall give notice of the registration of an order made outside Canada to any party to the order who is believed to ordinarily reside in Ontario in accordance with subrule 37 (18) of the rules.

Notice of motion to set registration aside

10. For the purpose of subsection 20 (3) of the Act, a party shall give notice of a motion to set aside the registration of an order made outside Canada in accordance with subrule 37 (20) of the rules.

Notice of decision or order

11. For the purpose of subsection 20 (7) of the Act, the clerk of the Ontario court shall give notice of a decision or order of that court under section 20 of the Act in accordance with subrules 37 (22) and (23) of the rules.

VARIATION OF ORDER — APPLICANT IN ONTARIO

Support variation application

12. An applicant to whom subsection 27 (1) of the Act applies shall use Form A (support application/support variation application), Form B (identification information) and any of Forms C to M that are necessary in the particular case.

Further information or documents

13. For the purpose of subsection 28 (3) of the Act, further information or documents requested by the appropriate authority in a reciprocating jurisdiction shall be provided as follows:

1. If the information or documents are provided by the applicant, they shall be part of, or attached as exhibits to, a sworn statement made by the applicant. The applicant shall give the sworn statement to the designated authority, which shall send it to the appropriate authority.
2. If the information or documents are provided by the designated authority, the designated authority shall send them to the appropriate authority. No sworn statement is required.

When order received in Ontario

14. On receiving a certified copy of an order and reasons, if any, as described in subsection 28 (4) of the Act, the designated authority shall send a copy of the order and reasons, if any, to the applicant at the address shown on the variation application or the more recent address provided by the applicant.

Provisional variation order

15. An applicant to whom section 30 of the Act applies shall use Form A (support variation/support variation application), Form B (identification information) and any of Forms C to M that are necessary in the particular case.

VARIATION OF ORDER — APPLICANT OUTSIDE ONTARIO**Service on respondent and information or documents to be provided by respondent**

16. For the purposes of section 33 of the Act,

- (a) the clerk of the Ontario court shall serve the documents referred to in that section on the respondent in accordance with subrule 37 (3) of the rules; and
- (b) the information or documents that the respondent is required to provide are set out in subrule 37 (4) of the rules.

Order made in absence of respondent

17. For the purposes of subsection 37 (2) of the Act, the Ontario court shall send copies of an order made under subsection 37 (1) of the Act to the designated authority and to the respondent in accordance with subrule 37 (16) of the rules.

CONVERSION INTO CANADIAN CURRENCY**Conversion into Canadian currency**

18. (1) For the purpose of section 44 of the Act, the clerk of the Ontario court shall convert an amount of support that is not expressed in Canadian currency into Canadian currency as follows:

- 1. The clerk shall obtain from a bank listed in Schedule I or II to the *Bank Act* (Canada) a quotation for the equivalent amount in Canadian currency at,
 - i. the rate of exchange applicable on the day the order was made, if it has not been varied, or on the day the order was last varied, or
 - ii. if the rate of exchange described in subparagraph i is not available, the rate of exchange applicable on the day the order was registered or on some other day that is closer to the day the order was made or last varied.
- 2. The clerk shall certify the resulting amount in Canadian currency on the order.

(2) The amount in Canadian currency that is certified under paragraph 2 of subsection (1) is the amount of support payable.

FORMS**Forms**

19. The forms dated March 31, 2003 available on the web site www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Interjurisdictional are prescribed.

Commencement

20. This Regulation comes into force on the day the *Interjurisdictional Support Orders Act, 2002* comes into force.

RÈGLEMENT DE L'ONTARIO 55/03

pris en application de la

LOI DE 2002 SUR LES ORDONNANCES ALIMENTAIRES D'EXÉCUTION RÉCIPROQUE

pris le 5 mars 2003
déposé le 6 mars 2003

DISPOSITIONS GÉNÉRALES**Définitions**

1. Les définitions qui suivent s'appliquent au présent règlement.

«envoyer» Relativement à une personne, s'entend de l'un ou l'autre des actes suivants :

- a) envoyer par courrier ordinaire à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
 - b) envoyer par messagerie à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
 - c) déposer à un centre de distribution de documents auquel l'avocat de la personne appartient;
 - d) transmettre par télécopie à l'avocat de la personne ou, si elle n'en a pas, à la personne même. («send»)
- «règles» Les *Règles en matière de droit de la famille*, Règlement de l'Ontario 114/99. («rules»)

NOUVELLE ORDONNANCE — REQUÉRANT RÉSIDANT EN ONTARIO

Requête en aliments

2. Le requérant à qui s'applique le paragraphe 5 (1) de la Loi utilise la formule A (requête en aliments/requête en modification de l'ordonnance alimentaire), la formule B (renseignements concernant l'identité) et celles des formules C à M qui sont nécessaires dans la cause en question.

Renseignements ou documents supplémentaires

3. Pour l'application du paragraphe 6 (3) de la Loi, les renseignements ou les documents supplémentaires que demande l'autorité compétente d'une autorité pratiquant la réciprocité sont fournis selon les modalités suivantes :

- 1. Si les renseignements ou les documents sont fournis par le requérant, ils font partie d'une déclaration sous serment faite par lui ou y sont annexés en tant que pièces. Le requérant remet une déclaration sous serment à l'autorité désignée, qui l'envoie à l'autorité compétente.
- 2. Si les renseignements ou les documents sont fournis par l'autorité désignée, cette dernière les envoie à l'autorité compétente. Aucune déclaration sous serment n'est nécessaire.

Réception de l'ordonnance en Ontario

4. Après avoir reçu une copie certifiée conforme d'une ordonnance et des motifs de celle-ci, le cas échéant, comme le prévoit le paragraphe 6 (4) de la Loi, l'autorité désignée envoie une copie au requérant, à l'adresse indiquée sur la requête en aliments ou à la dernière adresse fournie par le requérant.

Ordonnance conditionnelle

5. Le requérant à qui s'applique l'article 7 de la Loi utilise la formule A (requête en aliments/requête en modification de l'ordonnance alimentaire), la formule B (renseignements concernant l'identité) et celles des formules C à M qui sont nécessaires dans la cause en question.

NOUVELLE ORDONNANCE — REQUÉRANT RÉSIDANT À L'EXTÉRIEUR DE L'ONTARIO

Signification à l'intimé

6. Pour l'application de l'article 10 de la Loi :

- a) d'une part, le greffier du tribunal de l'Ontario signifie à l'intimé les documents visés à cet article conformément au paragraphe 37 (3) des règles;
- b) d'autre part, les renseignements ou les documents que l'intimé est tenu de fournir sont énoncés au paragraphe 37 (4) des règles.

Ordonnance rendue en l'absence de l'intimé

7. Pour l'application du paragraphe 15 (2) de la Loi, le tribunal de l'Ontario envoie des copies d'une ordonnance rendue en vertu du paragraphe 15 (1) de la Loi à l'autorité désignée et à l'intimé, conformément au paragraphe 37 (16) des règles.

ENREGISTREMENT ET EXÉCUTION DES ORDONNANCES RENDUES À L'EXTÉRIEUR DE L'ONTARIO

Envoi d'une ordonnance au tribunal

8. (1) Lorsqu'elle reçoit une copie certifiée conforme d'une ordonnance visée au paragraphe 18 (2) de la Loi, l'autorité désignée envoie la copie certifiée conforme au greffier du tribunal de l'Ontario siégeant le plus près du lieu où l'on croit que réside la partie.

(2) Le paragraphe (1) s'applique également à l'égard des ordonnances reçues comme le prévoient les paragraphes 6 (4) et 28 (4) de la Loi.

Avis d'enregistrement d'une ordonnance rendue à l'extérieur du Canada

9. Pour l'application du paragraphe 20 (1) de la Loi, le greffier du tribunal de l'Ontario donne un avis d'enregistrement d'une ordonnance rendue à l'extérieur du Canada aux parties à l'ordonnance que l'on croit résider habituellement en Ontario, conformément au paragraphe 37 (18) des règles.

Avis de motion en annulation de l'enregistrement

10. Pour l'application du paragraphe 20 (3) de la Loi, une partie donne un avis de motion en annulation de l'enregistrement d'une ordonnance rendue à l'extérieur du Canada, conformément au paragraphe 37 (20) des règles.

Avis de la décision ou de l'ordonnance

11. Pour l'application du paragraphe 20 (7) de la Loi, le greffier du tribunal de l'Ontario donne un avis de la décision ou de l'ordonnance rendue par ce tribunal en vertu de l'article 20 de la Loi, conformément aux paragraphes 37 (22) et (23) des règles.

MODIFICATION DE L'ORDONNANCE — REQUÉRANT RÉSIDANT EN ONTARIO**Requête en modification de l'ordonnance alimentaire**

12. Le requérant à qui s'applique le paragraphe 27 (1) de la Loi utilise la formule A (requête en aliments/requête en modification de l'ordonnance alimentaire), la formule B (renseignements concernant l'identité) et celles des formules C à M qui sont nécessaires dans la cause en question.

Renseignements ou documents supplémentaires

13. Pour l'application du paragraphe 28 (3) de la Loi, les renseignements ou les documents supplémentaires que demande l'autorité compétente d'une autorité pratiquant la réciprocité sont fournis selon les modalités suivantes :

1. Si les renseignements ou les documents sont fournis par le requérant, ils font partie d'une déclaration sous serment faite par lui ou y sont annexés en tant que pièces. Le requérant remet la déclaration sous serment à l'autorité désignée, qui l'envoie à l'autorité compétente.
2. Si les renseignements ou les documents sont fournis par l'autorité désignée, cette dernière les envoie à l'autorité compétente. Aucune déclaration sous serment n'est nécessaire.

Réception de l'ordonnance en Ontario

14. Après avoir reçu une copie certifiée conforme d'une ordonnance et des motifs de celle-ci, le cas échéant, comme le prévoit le paragraphe 28 (4) de la Loi, l'autorité désignée envoie une copie au requérant, à l'adresse indiquée sur la requête en modification ou à la dernière adresse fournie par le requérant.

Ordonnance modificative conditionnelle

15. Le requérant à qui s'applique l'article 30 de la Loi utilise la formule A (requête en aliments/requête en modification de l'ordonnance alimentaire), la formule B (renseignements concernant l'identité) et celles des formules C à M qui sont nécessaires dans la cause en question.

MODIFICATION DE L'ORDONNANCE — REQUÉRANT RÉSIDANT À L'EXTÉRIEUR DE L'ONTARIO**Signification à l'intimé et renseignements ou documents qu'il doit fournir**

16. Pour l'application de l'article 33 de la Loi :

- a) d'une part, le greffier du tribunal de l'Ontario signifie à l'intimé les documents visés à cet article conformément au paragraphe 37 (3) des règles;
- b) d'autre part, les renseignements ou les documents que l'intimé est tenu de fournir sont énoncés au paragraphe 37 (4) des règles.

Ordonnance rendue en l'absence de l'intimé

17. Pour l'application du paragraphe 37 (2) de la Loi, le tribunal de l'Ontario envoie des copies d'une ordonnance rendue en vertu du paragraphe 37 (1) de la Loi à l'autorité désignée et à l'intimé, conformément au paragraphe 37 (16) des règles.

CONVERSION EN MONNAIE CANADIENNE**Conversion en monnaie canadienne**

18. (1) Pour l'application de l'article 44 de la Loi, le greffier du tribunal de l'Ontario fait la conversion en monnaie canadienne du montant des aliments qui n'est pas exprimé en monnaie canadienne de la façon suivante :

1. Le greffier s'informe auprès d'une banque mentionnée à l'annexe I ou II de la *Loi sur les banques* (Canada) du montant équivalent en monnaie canadienne calculé :
 - i. au taux de change en vigueur le jour où l'ordonnance a été rendue, si elle n'a pas été modifiée, ou le jour où elle a été modifiée pour la dernière fois,
 - ii. au taux de change en vigueur le jour de l'enregistrement de l'ordonnance ou un jour plus rapproché de celui où l'ordonnance a été rendue ou modifiée pour la dernière fois, si le taux de change visé à la sous-disposition i n'est pas disponible.

2. Le greffier certifie, sur l'ordonnance, le montant converti en monnaie canadienne.

(2) Le montant en monnaie canadienne qui est certifié en application de la disposition 2 du paragraphe (1) constitue le montant des aliments à verser.

FORMULES

Formules

19. Les formules datées du 31 mars 2003 et disponibles sur le site Web www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Interjurisdictional sont prescrites.

Entrée en vigueur

20. Le présent règlement entre en vigueur le même jour que la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*.

12/03

ONTARIO REGULATION 56/03

made under the

COURTS OF JUSTICE ACT

Made: February 7, 2003
Approved: March 5, 2003
Filed: March 6, 2003

Amending O. Reg. 114/99
(Family Law Rules)

Note: Ontario Regulation 114/99 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Clause 1 (2) (a) (viii) of Ontario Regulation 114/99 is revoked and the following substituted:

(viii) the *Interjurisdictional Support Orders Act, 2002*;

2. Subrule 14 (6) of the Regulation is amended by striking out "or" at the end of clause (d) and by adding the following clauses:

(f) for an oral hearing under subrule 37 (8) or 37.1 (8); or

(g) to set aside the registration of an interjurisdictional support order made outside Canada.

3. Subrule 25 (11) of the Regulation is revoked and the following substituted:

WHEN CLERK PREPARES ORDER

(11) The clerk shall prepare the order for signature,

(a) within 10 days after it is made, if no party has a lawyer;

(b) as soon as it is made,

(i) if it is a support deduction order under the *Family Responsibility and Support Arrears Enforcement Act, 1996* or an order under the *Interjurisdictional Support Orders Act, 2002*, or

(ii) if the judge directs the clerk to do so.

4. Clause 26 (6) (b) of the Regulation is revoked and the following substituted:

(b) if the *Interjurisdictional Support Orders Act, 2002* applies, a document receivable under section 49 of that Act may be used instead of Form 26.

5. Subrule 29 (6) of the Regulation is revoked and the following substituted:

FINANCIAL INSTITUTION

(6) If the garnishee is a financial institution, the notice of garnishment and all further notices required to be served under this rule shall be served at the branch of the institution where the debt to the payor is payable, unless subrule (6.1) applies.

FEDERALLY REGULATED FINANCIAL INSTITUTION — GARNISHMENT RE SUPPORT

(6.1) If the garnishee is a financial institution to which the *Bank Act* (Canada), the *Cooperative Credit Associations Act* (Canada) or the *Trust and Loan Companies Act* (Canada) applies and the garnishment enforces a support order, the notice of garnishment and all further notices required to be served under this rule,

- (a) shall be served at the designated office of the institution established for this purpose; and
- (b) shall be accompanied by a statement to garnishee financial institution re support (Form 29J).

NEW ACCOUNTS

(6.2) Subrules (4) and (5) do not apply to money in an account opened after a notice of garnishment is served as described in subrule (6) or (6.1).

6. Rule 37 of the Regulation is revoked and the following substituted:

RULE 37: INTERJURISDICTIONAL SUPPORT ORDERS ACT, 2002**APPLICATION**

37. (1) This rule applies to cases under the Act.

DEFINITIONS

(2) In this rule,

“Act” means the *Interjurisdictional Support Orders Act, 2002*; (“Loi”)

“appropriate authority” has the same meaning as in the Act; (“autorité compétente”)

“designated authority” has the same meaning as in the Act; (“autorité désignée”)

“general regulation” means Ontario Regulation 55/03; (“règlement général”)

“send”, when used in reference to a person, means to,

- (a) mail to the person’s lawyer or, if none, to the person,
- (b) send by courier to the person’s lawyer or, if none, to the person,
- (c) deposit at a document exchange to which the person’s lawyer belongs, or
- (d) fax to the person’s lawyer or, if none, to the person. (“envoyer”)

NOTICE OF HEARING

(3) When the court receives a support application or a support variation application the clerk shall, under section 10 or 33 of the Act,

- (a) serve on the respondent, by special service,
 - (i) the notice of hearing mentioned in clause 10 (b) or 33 (b) of the Act (Form 37),
 - (ii) a copy of the documents sent by the designated authority, and
 - (iii) blank response forms; and
- (b) send to the designated authority a copy of the notice of hearing and an information sheet (Form 37A).

INFORMATION AND DOCUMENTS TO BE PROVIDED BY RESPONDENT

(4) The respondent shall file, within 30 days after service of the notice of hearing,

- (a) an answer in Form N under the general regulation,
 - (i) identifying any issues the respondent intends to raise with respect to the support application, and
 - (ii) containing the financial information referred to in subsection 21 (1) of Ontario Regulation 391/97 (Child Support Guidelines), if the support application includes a claim for child support;
- (b) an affidavit (Form 14A) setting out the evidence on which the respondent relies; and
- (c) a financial statement in Form K under the general regulation.

RESPONDENT’S FINANCIAL STATEMENT

(5) The respondent is required to file a financial statement whether he or she intends to dispute the claim or not.

APPLICANT'S FINANCIAL STATEMENT

(6) The fact that the applicant has provided financial information in a form different than that required by these rules does not affect the case.

WRITTEN HEARING

(7) Unless the court orders otherwise under subrule (9), the application shall be dealt with on the basis of written documents without the parties or their lawyers needing to come to court.

REQUEST FOR ORAL HEARING

(8) The respondent may request an oral hearing by filing a motion (Form 14B) within 30 days after being served with the notice of hearing.

ORDER FOR ORAL HEARING

(9) The court may order an oral hearing, on the respondent's motion or on its own initiative, if it is satisfied that an oral hearing is necessary to deal with the case justly.

DIRECTION TO REQUEST FURTHER INFORMATION OR DOCUMENTS

(10) A direction to request further information or documents under clause 11 (2) (a) or 34 (2) (a) of the Act shall be in Form 37B, and a statement of the court's reasons for requesting further evidence shall be attached to the direction.

DIRECTION TO BE SENT TO RESPONDENT

(11) When a direction is sent to the designated authority under clause 11 (2) (a) of the Act, the clerk shall also send a copy to the respondent.

ADJOURNMENT

(12) When the court adjourns the hearing under clause 11 (2) (b) or 34 (2) (b) of the Act, it shall specify the date on which the hearing is to continue.

COPIES OF FURTHER INFORMATION OR DOCUMENTS

(13) When the court receives the further information or documents, the clerk shall promptly prepare a notice of continuation of hearing (Form 37C) and send it, with copies of the information or documents, to the respondent and to the designated authority.

RESPONDENT'S AFFIDAVIT

(14) If the respondent wishes to respond to the further information or documents, he or she shall file an affidavit (Form 14A) containing the response with the court, within 30 days after receiving the notice of continuation of hearing.

PREPARATION OF ORDER

(15) The clerk shall prepare the order for signature as soon as it is made, in accordance with subrule 25 (11).

SENDING COPIES OF ORDER TO RESPONDENT AND DESIGNATED AUTHORITY

(16) The court shall send,

- (a) a copy of the order to the respondent, addressed to the respondent's last known address if sent by mail; and
- (b) a certified copy of the order to the designated authority.

SENDING COPY OF ORDER TO APPROPRIATE AUTHORITY

(17) The designated authority shall send the certified copy of the order to the appropriate authority.

NOTICE OF REGISTRATION, ORDER MADE OUTSIDE CANADA

(18) For the purpose of subsection 20 (1) of the Act, the clerk of the Ontario court shall give notice of the registration of an order made outside Canada by providing a notice in Form 37D, as described in subrule (19), to any party to the order who is believed to ordinarily reside in Ontario.

SENDING OR SPECIAL SERVICE

(19) If the party to whom notice is to be provided applied for the order in Ontario, the clerk shall send the notice to the party, but in any other case, the clerk shall serve the notice on the party by special service.

MOTION TO SET ASIDE REGISTRATION

(20) For the purpose of subsection 20 (3) of the Act, a party shall give notice of a motion to set aside the registration of an order made outside Canada by,

- (a) filing in the Ontario court a notice of motion (Form 14) setting out the grounds for the motion;

- (b) sending the notice of motion and supporting documents to the claimant at the address shown in the order; and
- (c) serving the notice of motion and supporting documents on the designated authority by regular service at least 10 days before the motion hearing date.

DESIGNATED AUTHORITY NEED NOT APPEAR ON MOTION

(21) The designated authority is not required to appear on the motion to set aside registration.

NOTICE OF DECISION OR ORDER

(22) When the court makes a decision or order under section 20 of the Act, the clerk shall send copies of the order, with the court's reasons, if any,

- (a) to each party, addressed to the party's last known address if sent by mail; and
- (b) to the designated authority.

PARTY IN RECIPROCATING JURISDICTION

(23) If a party ordinarily resides in a reciprocating jurisdiction and the order was originally sent to Ontario for registration by the appropriate authority there, the clerk may send it to that appropriate authority rather than sending it to the party as set out in clause (22) (a).

PROVISIONAL ORDERS

(24) When the court makes a provisional order under section 7 or 30 of the Act, the clerk shall send the following to the designated authority, to be sent to the reciprocating jurisdiction:

1. One copy of,
 - i. the application (Form A under the general regulation),
 - ii. the applicant's financial statement (Form K under the general regulation), and
 - iii. a statement giving any information about the respondent's identification, whereabouts, income, assets and liabilities.
2. Three certified copies of,
 - i. the applicant's evidence and, if reasonably possible, the exhibits, and
 - ii. the provisional order.

FURTHER EVIDENCE

(25) When the court that made a provisional order receives a request for further evidence from the confirming court under subsection 7 (4) or 30 (4) of the Act, the clerk shall send to the applicant a notice for taking further evidence (Form 37E) and a copy of the documents sent by the confirming court.

RULE 37.1: PROVISIONAL ORDERS AND CONFIRMATION OF PROVISIONAL ORDERS — DIVORCE ACT, FAMILY LAW ACT

APPLICATION

37.1 (1) This rule applies to orders made under sections 18 and 19 of the *Divorce Act* (Canada) and under section 44 of the *Family Law Act*.

DEFINITIONS

(2) In this rule,
"confirming court" means,

- (a) in the case of an order under section 19 of the *Divorce Act* (Canada), the court in Ontario or another province or territory of Canada that has jurisdiction to confirm a provisional variation of the order, or
- (b) for the purpose of section 44 of the *Family Law Act*,
 - (i) the Ontario Court of Justice sitting in the municipality where the respondent resides, or
 - (ii) the Family Court of the Superior Court of Justice, if the respondent resides in an area where that court has jurisdiction; ("tribunal d'homologation")

"originating court" means,

- (a) in the case of an order under section 18 of the *Divorce Act* (Canada), the court in Ontario or another province or territory of Canada that has jurisdiction under section 5 of that Act to deal with an application for a provisional variation of the order, or

(b) for the purpose of section 44 of the *Family Law Act*,

(i) the Ontario Court of Justice sitting in the municipality where the provisional order is made, or

(ii) the Family Court of the Superior Court of Justice when it makes the provisional order; (“tribunal d’origine”)

“send”, when used in reference to a person, means to,

(a) mail to the person’s lawyer or, if none, to the person,

(b) send by courier to the person’s lawyer or, if none, to the person,

(c) deposit at a document exchange to which the person’s lawyer belongs, or

(d) fax to the person’s lawyer or, if none, to the person. (“envoyer”)

DOCUMENTS TO BE SENT TO CONFIRMING COURT

(3) When the court makes a provisional order under section 18 of the *Divorce Act* (Canada) or section 44 of the *Family Law Act*, the clerk shall send the following to the confirming court (if it is in Ontario) or to the Attorney General to be sent to the confirming court (if it is outside Ontario):

1. One copy of,

i. the application (Form 8),

ii. the applicant’s financial statement (Form 13),

iii. a statement giving any information about the respondent’s identification, whereabouts, income, assets and liabilities, and

iv. if the confirming court is in another municipality in Ontario, proof that the application was served on the respondent.

2. Three certified copies of,

i. the applicant’s evidence and, if reasonably possible, the exhibits, and

ii. the provisional order.

NO FINANCIAL STATEMENT FROM FOREIGN APPLICANT

(4) When a confirming court in Ontario receives a provisional order made outside Ontario, the applicant does not have to file a financial statement.

NOTICE OF CONFIRMATION HEARING

(5) A clerk of a confirming court in Ontario who receives a provisional order shall,

(a) serve on the respondent, by special service (subrule 6 (3)),

(i) a notice of hearing (Form 37),

(ii) a copy of the documents sent by the originating court, and

(iii) blank response forms; and

(b) send a notice of hearing and an information sheet (Form 37A) to,

(i) the applicant,

(ii) the clerk of the originating court, and

(iii) the Attorney General, if the provisional order was made outside Ontario.

RESPONDENT’S FINANCIAL STATEMENT

(6) A respondent at a confirmation hearing under section 19 of the *Divorce Act* (Canada) shall serve and file a financial statement (Form 13) within 30 days after service of the notice of confirmation hearing.

WRITTEN HEARING

(7) Unless the court orders otherwise under subrule (9), the application shall be dealt with on the basis of written documents without the parties or their lawyers needing to come to court.

REQUEST FOR ORAL HEARING

(8) The respondent may request an oral hearing by filing a motion (Form 14B) within 30 days after being served with the notice of hearing.

ORDER FOR ORAL HEARING

(9) The court may order an oral hearing, on the applicant's motion or on its own initiative, if it is satisfied that an oral hearing is necessary to deal with the case justly.

COURT RECEIVES REQUEST FOR FURTHER EVIDENCE

(10) When an originating court in Ontario receives a request for further evidence from the confirming court, the clerk shall send to the applicant a notice for taking further evidence (Form 37E) and a copy of the documents sent by the confirming court.

COURT SENDS REQUEST FOR FURTHER EVIDENCE

(11) When a confirming court in Ontario requests further evidence from the originating court,

(a) the confirming court shall adjourn the confirmation hearing to a new date; and

(b) the clerk shall send to the originating court two certified copies of the evidence taken in the confirming court.

CONTINUING THE CONFIRMATION HEARING

(12) When a confirming court in Ontario receives further evidence from the originating court, the clerk shall promptly prepare a notice of continuation of hearing (Form 37C) and send it, with copies of the evidence, to the respondent and, if the provisional order was made outside Ontario, to the Attorney General.

RESPONDENT'S AFFIDAVIT

(13) If the respondent wishes to respond to the further evidence, he or she shall file an affidavit containing the response with the court, within 30 days after receiving the notice of continuation of hearing.

7. Subrule 39 (2) of the Regulation is revoked and the following substituted:

EXCLUDED CASES

(2) This rule does not apply to,

(a) enforcements;

(b) child protection cases; or

(c) cases under rule 37 or 37.1.

8. Subrule 40 (2) of the Regulation is revoked and the following substituted:

EXCLUDED CASES

(2) This rule does not apply to,

(a) enforcements;

(b) child protection cases; or

(c) cases under rule 37 or 37.1.

9. The Regulation is amended by adding the following Form:

Form 29J

Courts of Justice Act

STATEMENT TO GARNISHEE FINANCIAL INSTITUTION RE SUPPORT

Court File Number

(Name of court)

at

Court office address

.....
**Form 29J: Statement to
Garnishee
Financial Institution re
Support**

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

Garnishee

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

My name is (full legal name)

I live in (municipality & province)

The following statements are true to the best of my knowledge:

1. I am ☐ a recipient under a support order or the support provisions of a domestic contract or paternity agreement that is enforceable by this court.
☐ an assignee of a recipient under a support order or the support provisions of a domestic contract or paternity agreement.
☐ an agent of the Director of the Family Responsibility Office.
2. The payor's full name is ☐
☐ unknown.
3. The payor commonly uses the name(s):

Continued on other side. →

Form 29J: Statement to Garnishee Financial Institution re Support (page 2)

Court file number.....

(Either paragraph 4 or 5 must be completed. If both known, complete both.)

4. The payor's date of birth is

5. The payor's social insurance number is

Date of signature_____
Signature

NOTE: Under rule 29 (6.1) of the Family Law Rules, this form (29J) must be attached to Forms 29A, 29B, 29D, 29E, 29G, 29H or 29I when they are served on a bank or other financial institution at a central location. Under regulations made under the federal Bank Act, Cooperative Credit Associations Act and Trust and Loan Companies Act, a notice of garnishment for support payments against a bank or other federally regulated financial institution must be served on a central location established and published by each bank or financial institution.

10. Forms 37, 37A, 37B, 37C and 37D of the Regulation are revoked and the following substituted:

Courts of Justice Act
NOTICE OF HEARING



Court File Number

(Name of court)

at _____

Court office address

**Form 37: Notice of
Hearing**

Applicant(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)</i></p>
--	---

Respondent(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

NOTICE:

THE COURT WILL HOLD A WRITTEN HEARING on (date)
at a.m./p.m., or as soon as possible after that date at (place of hearing)

This court has received

- ☐ An application under the *Interjurisdictional Support Orders Act, 2002* for
- ☐ an order ☐ a change of an order
- ☐ A provisional ☐ order ☐ change of an order
- ☐ in another part of Ontario ☐ outside Ontario

The details are set out in the attached materials.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an Answer (a blank copy of which is attached) and file a copy in the court office. **YOU HAVE ONLY 30 DAYS AFTER THIS NOTICE IS SERVED ON YOU TO FILE AN ANSWER TO THIS CASE.**

Whether or not you wish to oppose a claim in this case, **YOU MUST FILE A FINANCIAL STATEMENT** (a blank copy of which is attached) with the court office **WITHIN 30 DAYS AFTER THIS NOTICE IS SERVED ON YOU.**

If you want to ask for an oral hearing, you must prepare a motion (Form 14B – blank copy attached), and file a copy in the court office **WITHIN 30 DAYS AFTER THIS NOTICE IS SERVED ON YOU.**

Continued on other side. →

Form 37: Notice of Hearing (page 2)

Court file number

The court will only consider the written materials in this case on the date noted above. UNLESS THE COURT ORDERS OTHERWISE, THERE IS NO NEED FOR YOU TO COME TO COURT OR TO HAVE A LAWYER THERE TO ARGUE YOUR CASE. If an order is made or the judge requires you to be present or provide further evidence, you will be notified.

IF YOU DO NOT FILE WRITTEN MATERIALS, THE COURT MAY MAKE AN ORDER WITHOUT YOUR WRITTEN ANSWER AND ENFORCE IT AGAINST YOU.

You should get legal advice about this case right away. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid office. (See your telephone directory under LEGAL AID.)

Date of signature

Signature of registrar or clerk of the court

NOTE: A copy of the application should be attached to this notice, along with a copy of the applicant's financial statement, a copy of any provisional order and a copy of the applicant's evidence. Also attached to this notice should be a blank Financial Statement that you must fill out and file. If a provisional order was made in another part of Ontario, you must serve and file your financial statement.

If any of these documents is missing, you should talk to the court office at the address at the top of this form immediately.

Form 37A
Courts of Justice Act
INFORMATION SHEET

Court File Number

(Name of court)

.....
**Form 37A: Information
Sheet**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE APPLICANT(S):

The respondent(s) was/were served with a notice of ☐ *Interjurisdictional Support Orders Act, 2002* hearing.
☐ confirmation hearing.

A copy of this notice is attached to this sheet. It is being sent to you **FOR YOUR INFORMATION ONLY.**

THERE IS NO NEED FOR YOU TO COME TO THIS HEARING OR TO HAVE A LAWYER THERE TO ARGUE YOUR CASE FOR YOU.

You will be told about what happens at the hearing by the office where you submitted your application. If you have any questions, you should talk to your own lawyer or the office where you submitted your application.

Date of signature

Signature of registrar or clerk of the court

Form 37B

Courts of Justice Act

DIRECTION TO REQUEST FURTHER INFORMATION



(Name of court)

Court File Number

at _____

Court office address

**Form 37B: Direction to
Request Further
Information**

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE (check appropriate box(es)) ☐ **APPLICANT(S):**

☐ **THE ONTARIO INTERJURISDICTIONAL SUPPORT ORDERS UNIT:**

This court considered the application for support or the application to change a support order

on (date)

THE COURT ADJOURNED THE HEARING OF THE CASE TO (date)

- ☐ You, the applicant, are directed to provide the information or documents required by the court.
- ☐ You, the Ontario Interjurisdictional Support Orders Unit, are directed to contact the applicant or appropriate authority in the reciprocating jurisdiction to request the information or documents required by the court.

This court requires the following information or documents: (attach extra paper if necessary, or transcript noting information and documents required).

The information or documents must be filed with this court at the address at the top of this form at least 30 days before the court date.

At the hearing, a temporary order:

- ☐ was not made;
- ☐ was made — details will be sent; or
- ☐ was made — a certified copy of the temporary order is attached.

Date of signature

Signature of registrar or clerk of the court

NOTE: A copy of the respondent's evidence and a copy of the court's reasons for seeking further evidence should be attached to this form. If either of these is missing, you should talk to the court office at the address at the top of this form immediately.

Form 37C

Courts of Justice Act

NOTICE OF CONTINUATION OF HEARING



(Name of court)

Court File Number

at _____

Court office address

**Form 37C: Notice of
Continuation of
Hearing**

Applicant(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)</i>

Respondent(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)</i>

TO THE RESPONDENT(S):

THE COURT WILL CONTINUE A WRITTEN HEARING on *(date)*
at a.m./p.m., or as soon as possible after that time at *(place of hearing)*

This case was adjourned on *(adjournment date)*
so that the case could be sent to the originating jurisdiction for further evidence.

The originating jurisdiction has now sent to this court further evidence, a copy of which is attached. This court will therefore consider this case at the time and place shown above.

IF YOU WISH TO RESPOND TO THE FURTHER EVIDENCE, YOU OR YOUR LAWYER MUST FILE AN AFFIDAVIT IN RESPONSE (Form 14A – blank copy attached) WITHIN 30 DAYS AFTER YOU RECEIVE THIS NOTICE.

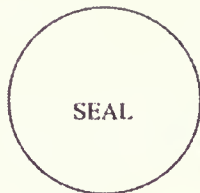
If you want to ask for an oral hearing, you must prepare a motion (Form 14B – blank copy attached), and file a copy in the court office **WITHIN 30 DAYS AFTER THIS NOTICE IS SERVED ON YOU.**

The court will only consider the written materials in this case on the date noted above. **UNLESS THE COURT ORDERS OTHERWISE, THERE IS NO NEED FOR YOU TO COME TO COURT OR TO HAVE A LAWYER THERE TO ARGUE YOUR CASE.** If an order is made or the judge requires you to be present or provide further evidence, you will be notified.

Date of signature

Signature of registrar or clerk of the court

NOTE: A copy of the applicant's further evidence taken in the originating jurisdiction should be attached to this notice. If it is missing, you should talk to the court office at the address at the top of this form immediately.

Form 37D*Courts of Justice Act***NOTICE OF REGISTRATION OF ORDER**

(Name of court)

Court File Number

at _____

Court office address

**Form 37D: Notice of
Registration of
Order**

Applicant(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

Respondent(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

TO THE (check appropriate box(es)) ☐ **APPLICANT(S):**

☐ **RESPONDENT(S):**

The (name of court)

at (place where court presides)

has asked the courts in Ontario to enforce

☐ an order for the payment of support for dependants.

☐ the support provisions of a written agreement between you and the other party.

This order/agreement has been registered with this Ontario court on (date of registration)
under the *Interjurisdictional Support Orders Act, 2002*.

If you have reason to believe that:

- (a) you did not have notice or a reasonable opportunity to be heard;
- (b) the order/agreement is contrary to public policy in Ontario; or
- (c) the court that made the order did not have jurisdiction to make it,

you may make a motion (Forms 14 and 14A) to have the registration set aside, but you must do so within 30 days after receiving this notice. You must mail notice of your own motion to the Ontario Interjurisdictional Support Orders Unit at: (address)

You may use any method of service set out in rule 6 of the *Family Law Rules*, including mail, courier or fax.

If you choose not to challenge the registration, the order/agreement will be enforced against you as if it were an order of an Ontario court. You have the right at any time to apply for a change of this order/agreement if there has been a material change in circumstances since the making of the order/agreement.

Date of signature

Signature of registrar or clerk of the court

Form 37E

Courts of Justice Act

NOTICE FOR TAKING FURTHER EVIDENCE



Court File Number

(Name of court)

at

Court office address

Form 37E: Notice for
Taking Further
Evidence

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE APPLICANT(S):

The provisional

☐

order in this case

☐

change of the order made by the (name of court)

on (date)

has come before a judge of the (name and address of court)

That other court requires further evidence from you. The details are set out in the attached material.

If you want to continue your application for support or for a change in support, you or your lawyer must prepare an affidavit (Form 14A - blank copy attached) of your further evidence and file it in this court office.

The other court will continue the hearing on (insert date, if known) Your affidavit evidence must be filed in this court 30 days before that date so it can be sent to the other court in time for the hearing.

IF YOU DO NOT FILE FURTHER AFFIDAVIT EVIDENCE, THE PROVISIONAL ORDER/CHANGE OF AN ORDER MAY NOT BE CONFIRMED BY THE OTHER COURT.

Date of signature

Signature of registrar or clerk of the court

NOTE: A copy of the respondent's evidence and a copy of the other court's reasons for seeking further evidence should be attached to this notice. If either of these is missing, you should talk to the court office at the address at the top of this form immediately.

11. (1) Subject to subsection (2), this Regulation comes into force on filing.

(2) Sections 1, 2, 3, 4, 6, 7, 8 and 10 come into force on the day the *Interjurisdictional Support Orders Act, 2002* comes into force.

RÈGLEMENT DE L'ONTARIO 56/03
pris en application de la
LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 7 février 2003
approuvé le 5 mars 2003
déposé le 6 mars 2003

modifiant le Règl. de l'Ont. 114/99
(Règles en matière de droit de la famille)

Remarque : Le Règlement de l'Ontario 114/99 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Le sous-alinéa 1 (2) a) (viii) du Règlement de l'Ontario 114/99 est abrogé et remplacé par ce qui suit :

(viii) la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*;

2. Le paragraphe 14 (6) du Règlement est modifié par adjonction des alinéas suivants :

- f) une motion visant à obtenir la tenue d'une audience orale, visée au paragraphe 37 (8) ou 37.1 (8);
- g) une motion en annulation de l'enregistrement d'une ordonnance alimentaire d'exécution réciproque rendue à l'extérieur du Canada.

3. Le paragraphe 25 (11) du Règlement est abrogé et remplacé par ce qui suit :

DÉLAI DANS LEQUEL LE GREFFIER PRÉPARE L'ORDONNANCE

(11) Le greffier prépare l'ordonnance en vue de la signature :

- a) soit au plus tard 10 jours après qu'elle est rendue, si aucune partie n'a d'avocat;
- b) soit dès que possible après qu'elle est rendue :
 - (i) s'il s'agit d'une ordonnance de retenue des aliments rendue en vertu de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* ou d'une ordonnance rendue en vertu de la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*,
 - (ii) si le juge ordonne au greffier de le faire.

4. L'alinéa 26 (6) b) du Règlement est abrogé et remplacé par ce qui suit :

- b) si la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque* s'applique, un document recevable en vertu de l'article 49 de cette loi peut être utilisé au lieu de la formule 26.

5. Le paragraphe 29 (6) du Règlement est abrogé et remplacé par ce qui suit :

INSTITUTION FINANCIÈRE

(6) Si le tiers saisi est une institution financière, l'avis de saisie-arrêt et tous les autres avis qui doivent être signifiés en application de la présente règle sont signifiés à la succursale de l'institution où la créance est exigible, sauf si le paragraphe (6.1) s'applique.

INSTITUTION FINANCIÈRE ASSUJETTIE À LA RÉGLEMENTATION FÉDÉRALE — SAISIE-ARRÊT À L'ÉGARD D'ALIMENTS

(6.1) Si le tiers saisi est une institution financière à laquelle s'applique la *Loi sur les banques* (Canada), la *Loi sur les associations coopératives de crédit* (Canada) ou la *Loi sur les sociétés de fiducie et de prêt* (Canada) et que la saisie-arrêt exécute une ordonnance alimentaire, l'avis de saisie-arrêt et tous les autres avis qui doivent être signifiés en application de la présente règle :

- a) d'une part, sont signifiés au bureau désigné de l'institution établi à cette fin;
- b) d'autre part, sont accompagnés d'une déclaration à l'institution financière (tiers saisi) relative aux aliments (formule 29J).

NOUVEAUX COMPTES

(6.2) Les paragraphes (4) et (5) ne s'appliquent pas aux sommes déposées dans un compte ouvert après qu'un avis de saisie-arrêt est signifié comme le prévoit le paragraphe (6) ou (6.1).

6. La règle 37 du Règlement est abrogée et remplacée par ce qui suit :

RÈGLE 37 : LOI DE 2002 SUR LES ORDONNANCES ALIMENTAIRES D'EXÉCUTION RÉCIPROQUE

CHAMP D'APPLICATION

37. (1) La présente règle s'applique aux causes visées par la Loi.

DÉFINITIONS

(2) Les définitions qui suivent s'appliquent à la présente règle.

«autorité compétente» S'entend au sens de la Loi. («appropriate authority»)

«autorité désignée» S'entend au sens de la Loi. («designated authority»)

«envoyer» Relativement à une personne, s'entend de l'un ou l'autre des actes suivants :

- a) envoyer par la poste à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
- b) envoyer par messagerie à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
- c) déposer à un centre de distribution de documents auquel l'avocat de la personne appartient;
- d) transmettre par télécopie à l'avocat de la personne ou, si elle n'en a pas, à la personne même. («send»)

«Loi» La Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque. («Act»)

«règlement général» Le Règlement de l'Ontario 55/03. («general regulation»)

AVIS D'AUDIENCE

(3) Lorsque le tribunal reçoit une requête en aliments ou une requête en modification d'une ordonnance alimentaire, le greffier fait ce qui suit en application de l'article 10 ou 33 de la Loi :

- a) il signifie à l'intimé, par voie de signification spéciale :
 - (i) l'avis d'audience mentionné à l'alinéa 10 b) ou 33 b) de la Loi (formule 37),
 - (ii) une copie des documents envoyés par l'autorité désignée,
 - (iii) des formules de réponse en blanc;
- b) il envoie à l'autorité désignée une copie de l'avis d'audience et une feuille de renseignements (formule 37A).

RENSEIGNEMENTS ET DOCUMENTS QUE DOIT FOURNIR L'INTIMÉ

(4) Dans les 30 jours qui suivent la signification de l'avis d'audience, l'intimé dépose ce qui suit :

- a) une défense rédigée selon la formule N prévue par le règlement général :
 - (i) dans laquelle l'intimé indique les questions qu'il a l'intention de soulever à l'égard de la requête en aliments,
 - (ii) qui contient les renseignements financiers visés au paragraphe 21 (1) du Règlement de l'Ontario 391/97 (Lignes directrices sur les aliments pour les enfants), si la requête en aliments comprend une demande d'aliments pour les enfants;
- b) un affidavit (formule 14A) qui indique les preuves sur lesquelles s'appuie l'intimé;
- c) un état financier rédigé selon la formule K prévue par le règlement général.

ÉTAT FINANCIER DE L'INTIMÉ

(5) L'intimé est tenu de déposer un état financier qu'il ait ou non l'intention de contester la demande.

ÉTAT FINANCIER DU REQUÉRANT

(6) Le fait que le requérant a fourni des renseignements financiers sous une forme différente de celle exigée par les présentes règles n'a pas d'incidence sur la cause.

AUDIENCE ÉCRITE

(7) Sauf ordonnance contraire du tribunal visée au paragraphe (9), la requête est traitée en se fondant sur des documents écrits sans que les parties ou leurs avocats aient à se rendre au tribunal.

DEMANDE D'AUDIENCE ORALE

(8) L'intimé peut demander la tenue d'une audience orale en déposant une motion (formule 14B) au plus tard 30 jours après que l'avis d'audience lui est signifié.

ORDONNANCE EXIGEANT LA TENUE D'UNE AUDIENCE ORALE

(9) Le tribunal peut ordonner la tenue d'une audience orale, sur motion de l'intimé ou de sa propre initiative, s'il est convaincu qu'elle est nécessaire pour assurer le traitement équitable de la cause.

DIRECTIVE ENJOIGNANT DE DEMANDER DES RENSEIGNEMENTS OU DOCUMENTS SUPPLÉMENTAIRES

(10) La directive enjoignant de demander des renseignements ou des documents supplémentaires visée à l'alinéa 11 (2) a) ou 34 (2) a) de la Loi est rédigée selon la formule 37B. Une déclaration énonçant les motifs pour lesquels le tribunal demande des preuves additionnelles est jointe à la directive.

DIRECTIVE À ENVOYER À L'INTIMÉ

(11) Lorsqu'une directive est envoyée à l'autorité désignée en application de l'alinéa 11 (2) a) de la Loi, le greffier envoie également une copie à l'intimé.

AJOURNEMENT

(12) Lorsque le tribunal ajourne l'audience en application de l'alinéa 11 (2) b) ou 34 (2) b) de la Loi, il précise la date à laquelle elle doit continuer.

COPIE DES RENSEIGNEMENTS OU DOCUMENTS SUPPLÉMENTAIRES

(13) Lorsque le tribunal reçoit les renseignements ou les documents supplémentaires, le greffier prépare promptement un avis de poursuite de l'audience (formule 37C) et l'envoie, avec des copies des renseignements ou des documents, à l'intimé et à l'autorité désignée.

AFFIDAVIT DE L'INTIMÉ

(14) L'intimé qui souhaite répondre aux renseignements ou aux documents supplémentaires dépose auprès du tribunal un affidavit (formule 14A) contenant la réponse dans les 30 jours suivant la réception de l'avis de poursuite de l'audience.

PRÉPARATION DE L'ORDONNANCE

(15) Le greffier prépare l'ordonnance en vue de sa signature dès que possible après qu'elle est rendue, conformément au paragraphe 25 (11).

ENVOI DE COPIES DE L'ORDONNANCE À L'INTIMÉ ET À L'AUTORITÉ DÉSIGNÉE

(16) Le tribunal envoie les copies suivantes :

- a) d'une part, une copie de l'ordonnance à l'intimé, à sa dernière adresse connue s'il s'agit d'un envoi par la poste;
- b) d'autre part, une copie certifiée conforme de l'ordonnance à l'autorité désignée.

ENVOI D'UNE COPIE DE L'ORDONNANCE À L'AUTORITÉ COMPÉTENTE

(17) L'autorité désignée envoie la copie certifiée conforme de l'ordonnance à l'autorité compétente.

AVIS D'ENREGISTREMENT D'UNE ORDONNANCE RENDUE À L'EXTÉRIEUR DU CANADA

(18) Pour l'application du paragraphe 20 (1) de la Loi, le greffier du tribunal de l'Ontario donne avis de l'enregistrement d'une ordonnance rendue à l'extérieur du Canada en remettant un avis rédigé selon la formule 37D, comme le prévoit le paragraphe (19), aux parties à l'ordonnance que l'on croit résider habituellement en Ontario.

ENVOI OU SIGNIFICATION SPÉCIALE

(19) Si la partie à qui un avis doit être remis a présenté, en Ontario, une requête en vue d'obtenir l'ordonnance, le greffier lui envoie l'avis, mais dans les autres cas, il le lui signifie par voie de signification spéciale.

MOTION EN ANNULATION DE L'ENREGISTREMENT

(20) Pour l'application du paragraphe 20 (3) de la Loi, une partie donne avis d'une motion en annulation de l'enregistrement d'une ordonnance rendue à l'extérieur du Canada de la façon suivante :

- a) en déposant au tribunal de l'Ontario un avis de motion (formule 14) exposant les motifs de la motion;
- b) en envoyant l'avis de motion et les documents justificatifs au requérant à l'adresse indiquée dans l'ordonnance;
- c) en signifiant, par voie de signification ordinaire, l'avis de motion et les documents justificatifs à l'autorité désignée au moins 10 jours avant la date d'audition de la motion.

PRÉSENCE NON OBLIGATOIRE DE L'AUTORITÉ DÉSIGNÉE À L'AUDITION DE LA MOTION

(21) L'autorité désignée n'est pas tenue de se présenter à l'audition de la motion en annulation de l'enregistrement.

AVIS DE DÉCISION OU D'ORDONNANCE

(22) Lorsque le tribunal rend une décision ou une ordonnance en vertu de l'article 20 de la Loi, le greffier envoie aux destinataires suivants des copies de l'ordonnance, accompagnées des motifs du tribunal, le cas échéant :

- a) chaque partie, à sa dernière adresse connue s'il s'agit d'un envoi par la poste;

b) l'autorité désignée.

PARTIE RÉSIDANT DANS LE RESSORT D'UNE AUTORITÉ PRATIQUANT LA RÉCIPROCITÉ

(23) Si une partie réside habituellement dans le ressort d'une autorité pratiquant la réciprocité et que l'ordonnance a été envoyée initialement en Ontario aux fins d'enregistrement par l'autorité compétente de ce ressort, le greffier peut l'envoyer à cette autorité compétente au lieu de l'envoyer à la partie comme le prévoit l'alinéa (22) a).

ORDONNANCES CONDITIONNELLES

(24) Lorsque le tribunal rend une ordonnance conditionnelle en vertu de l'article 7 ou 30 de la Loi, le greffier envoie les copies suivantes à l'autorité désignée pour envoi à l'autorité pratiquant la réciprocité :

1. Une copie des documents suivants :

- i. la requête (la formule A prévue par le règlement général),
- ii. l'état financier du requérant (la formule K prévue par le règlement général),
- iii. une déclaration donnant des précisions sur l'identité de l'intimé, le lieu où il se trouve, son revenu, ses avoirs et ses obligations.

2. Trois copies certifiées conformes des documents suivants :

- i. les preuves et, si cela est raisonnablement possible, les pièces fournies par le requérant,
- ii. l'ordonnance conditionnelle.

PREUVES ADDITIONNELLES

(25) Lorsque le tribunal qui a rendu une ordonnance conditionnelle reçoit une demande de preuves additionnelles de la part du tribunal d'homologation en application du paragraphe 7 (4) ou 30 (4) de la Loi, le greffier envoie au requérant un avis de demande de preuves additionnelles (formule 37E) et une copie des documents envoyés par le tribunal d'homologation.

RÈGLE 37.1 : ORDONNANCES CONDITIONNELLES ET HOMOLOGATION DE CELLES-CI — LOI SUR LE DIVORCE, LOI SUR LE DROIT DE LA FAMILLE

CHAMP D'APPLICATION

37.1 (1) La présente règle s'applique aux ordonnances rendues en vertu des articles 18 et 19 de la *Loi sur le divorce* (Canada) et de l'article 44 de la *Loi sur le droit de la famille*.

DÉFINITIONS

(2) Les définitions qui suivent s'appliquent à la présente règle.

«envoyer» Relativement à une personne, s'entend de l'un ou l'autre des actes suivants :

- a) envoyer par la poste à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
- b) envoyer par messagerie à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
- c) déposer à un centre de distribution de documents auquel l'avocat de la personne appartient;
- d) transmettre par télécopie à l'avocat de la personne ou, si elle n'en a pas, à la personne même. («send»)

«tribunal d'homologation» S'entend de ce qui suit :

- a) dans le cas d'une ordonnance rendue en vertu de l'article 19 de la *Loi sur le divorce* (Canada), le tribunal de l'Ontario ou d'une autre province ou d'un territoire du Canada qui a compétence pour homologuer une modification conditionnelle de l'ordonnance;
- b) pour l'application de l'article 44 de la *Loi sur le droit de la famille* :
 - (i) soit la Cour de justice de l'Ontario siégeant dans la municipalité où réside l'intimé,
 - (ii) soit la Cour de la famille de la Cour supérieure de justice, si l'intimé réside dans un secteur où ce tribunal a compétence. («confirming court»)

«tribunal d'origine» S'entend de ce qui suit :

- a) dans le cas d'une ordonnance rendue en vertu de l'article 18 de la *Loi sur le divorce* (Canada), le tribunal de l'Ontario ou d'une autre province ou d'un territoire du Canada qui a compétence en vertu de l'article 5 de cette loi pour traiter une requête en modification conditionnelle de l'ordonnance;
- b) pour l'application de l'article 44 de la *Loi sur le droit de la famille* :
 - (i) soit la Cour de justice de l'Ontario siégeant dans la municipalité où l'ordonnance conditionnelle est rendue,

- (ii) soit la Cour de la famille de la Cour supérieure de justice, si c'est elle qui rend l'ordonnance conditionnelle («originating court»)

DOCUMENTS À ENVOYER AU TRIBUNAL D'HOMOLOGATION

(3) Lorsque le tribunal rend une ordonnance conditionnelle en vertu de l'article 18 de la *Loi sur le divorce* (Canada) ou de l'article 44 de la *Loi sur le droit de la famille*, le greffier envoie au tribunal d'homologation (s'il est situé en Ontario) ou au procureur général pour envoi au tribunal d'homologation (s'il est situé hors de l'Ontario) les copies suivantes :

1. Une copie des documents suivants :
 - i. la requête (formule 8),
 - ii. l'état financier du requérant (formule 13),
 - iii. une déclaration donnant des précisions sur l'identité de l'intimé, le lieu où il se trouve, son revenu, ses avoirs et ses obligations,
 - iv. si le tribunal d'homologation est situé dans une autre municipalité de l'Ontario, la preuve que la requête a été signifiée à l'intimé.
2. Trois copies certifiées conformes des documents suivants :
 - i. les preuves et, si cela est raisonnablement possible, les pièces fournies par le requérant,
 - ii. l'ordonnance conditionnelle.

ÉTAT FINANCIER NON EXIGÉ DU REQUÉRANT ÉTRANGER

(4) Si un tribunal d'homologation de l'Ontario reçoit une ordonnance conditionnelle qui a été rendue à l'extérieur de l'Ontario, le requérant n'est pas tenu de déposer d'état financier.

AVIS D'AUDIENCE D'HOMOLOGATION

(5) Le greffier d'un tribunal d'homologation de l'Ontario qui reçoit une ordonnance conditionnelle :

- a) signifie à l'intimé, par voie de signification spéciale (paragraphe 6 (3)) :
 - (i) un avis d'audience (formule 37),
 - (ii) une copie des documents envoyés par le tribunal d'origine,
 - (iii) des formules de réponse en blanc;
- b) envoie un avis d'audience et une feuille de renseignements (formule 37A) aux destinataires suivants :
 - (i) le requérant,
 - (ii) le greffier du tribunal d'origine,
 - (iii) le procureur général, si l'ordonnance conditionnelle a été rendue à l'extérieur de l'Ontario.

ÉTAT FINANCIER DE L'INTIMÉ

(6) L'intimé à une audience d'homologation tenue en application de l'article 19 de la *Loi sur le divorce* (Canada) signifie et dépose un état financier (formule 13) au plus tard 30 jours après que l'avis d'audience d'homologation lui est signifié.

AUDIENCE ÉCRITE

(7) Sauf ordonnance contraire du tribunal visée au paragraphe (9), la requête est traitée en se fondant sur des documents écrits sans que les parties ou leurs avocats aient à se rendre au tribunal.

DEMANDE D'AUDIENCE ORALE

(8) L'intimé peut demander la tenue d'une audience orale en déposant une motion (formule 14B) au plus tard 30 jours après que l'avis d'audience lui est signifié.

ORDONNANCE EXIGEANT LA TENUE D'UNE AUDIENCE ORALE

(9) Le tribunal peut ordonner la tenue d'une audience orale, sur motion du requérant ou de sa propre initiative, s'il est convaincu qu'elle est nécessaire pour assurer le traitement équitable de la cause.

RÉCEPTION PAR LE TRIBUNAL D'UNE DEMANDE DE PREUVES ADDITIONNELLES

(10) Lorsqu'un tribunal d'origine de l'Ontario reçoit une demande de preuves additionnelles de la part du tribunal d'homologation, le greffier envoie au requérant un avis de demande de preuves additionnelles (formule 37E) et une copie des documents envoyés par le tribunal d'homologation.

ENVOI PAR LE TRIBUNAL D'UNE DEMANDE DE PREUVES ADDITIONNELLES

(11) Lorsque le tribunal d'homologation de l'Ontario demande des preuves additionnelles au tribunal d'origine :

- a) d'une part, il ajourne l'audience d'homologation à une nouvelle date;
- b) d'autre part, le greffier envoie au tribunal d'origine deux copies certifiées conformes des preuves recueillies par le tribunal d'homologation.

POURSUITE DE L'AUDIENCE D'HOMOLOGATION

(12) Lorsque le tribunal d'homologation de l'Ontario reçoit des preuves additionnelles de la part du tribunal d'origine, le greffier prépare promptement un avis de poursuite de l'audience (formule 37C) et l'envoie, avec des copies des preuves, à l'intimé et, si l'ordonnance conditionnelle a été rendue à l'extérieur de l'Ontario, au procureur général.

AFFIDAVIT DE L'INTIMÉ

(13) L'intimé qui souhaite répondre aux preuves additionnelles dépose auprès du tribunal un affidavit contenant la réponse dans les 30 jours suivant la réception de l'avis de poursuite de l'audience.

7. Le paragraphe 39 (2) du Règlement est abrogé et remplacé par ce qui suit :

EXCLUSION DE CAUSES

(2) La présente règle ne s'applique pas :

- a) aux procédures d'exécution;
- b) aux causes portant sur la protection d'un enfant;
- c) aux causes visées à la règle 37 ou 37.1.

8. Le paragraphe 40 (2) du Règlement est abrogé et remplacé par ce qui suit :

EXCLUSION DE CAUSES

(2) La présente règle ne s'applique pas :

- a) aux procédures d'exécution;
- b) aux causes portant sur la protection d'un enfant;
- c) aux causes visées à la règle 37 ou 37.1.

9. Le Règlement est modifié par adjonction de la formule suivante :

Formule 29J*Loi sur les tribunaux judiciaires***DÉCLARATION À L'INSTITUTION FINANCIÈRE (TIERS SAISI) RELATIVE AUX ALIMENTS**

(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____

Adresse du greffe

Formule 29J :
Déclaration à
l'institution financière
(tiers saisi)
relative aux aliments

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification – numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) – numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)
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Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification – numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) – numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)
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Tiers saisi

Nom et prénom officiels et adresse aux fins de signification – numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) – numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)
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Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

Les déclarations suivantes sont vraies au mieux de ma connaissance :

1. Je suis ☐ un(e) bénéficiaire désigné(e) dans une ordonnance alimentaire ou dans les dispositions alimentaires d'un contrat familial ou d'un accord de paternité qui est exécutoire par ce tribunal.
- ☐ un(e) cessionnaire d'un(e) bénéficiaire désigné(e) dans une ordonnance alimentaire ou dans les dispositions alimentaires d'un contrat familial ou d'un accord de paternité.
- ☐ un(e) mandataire du directeur du Bureau des obligations alimentaires

Suite au verso →

2. Les nom et prénom du payeur ou de la payeuse sont ☐
☐ inconnus.

3. Le payeur ou la payeuse utilise couramment le ou les noms suivants :

(Le point 4 ou 5 doit être rempli. Si les renseignements demandés aux deux points vous sont connus, remplissez-les tous les deux.)

4. La date de naissance du payeur ou de la payeuse est le

5. Le numéro d'assurance sociale du payeur ou de la payeuse est

Date de la signature

Signature

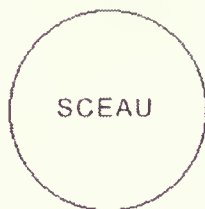
REMARQUE : Aux termes du paragraphe 29 (6.1) des Règles en matière de droit de la famille, la présente formule (29J) doit être jointe aux formules 29A, 29B, 29D, 29E, 29G, 29H et 29I lorsqu'elles sont signifiées à une banque ou à une autre institution financière à un lieu central. Selon les règlements pris en application des lois fédérales suivantes, la Loi sur les banques, la Loi sur les associations coopératives de crédit et la Loi sur les sociétés de fiducie et de prêt, un avis de saisie-arrêt à l'égard d'aliments destiné à une banque ou à une autre institution financière assujettie à la réglementation fédérale doit être signifié à un lieu central établi et publié par chaque banque ou institution financière.

10. Les formules 37, 37A, 37B, 37C et 37D du Règlement sont abrogées et remplacées par ce qui suit :

Formule 37

Loi sur les tribunaux judiciaires

AVIS D'AUDIENCE



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

Formule 37 : Avis
d'audience

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AVIS :

LE TRIBUNAL TIENDRA UNE AUDIENCE ÉCRITE le (date) _____
à (heure) _____, ou dès que possible par la suite, au (lieu de l'audience) _____

Ce tribunal a reçu :

- ☐ Une requête du requérant en application de la Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque en vue d'obtenir :
☐ une ordonnance ☐ une modification d'une ordonnance
- ☐ Une ordonnance conditionnelle ☐ modifiant une ordonnance
☐ ailleurs en Ontario ☐ à l'extérieur de l'Ontario

Les précisions à ce sujet figurent dans les documents ci-joints.

SI VOUS DÉSIREZ VOUS OPPOSER À UNE DEMANDE DANS LA PRÉSENTE CAUSE, vous ou votre avocat devez préparer une Défense (un exemplaire de celle-ci se trouve ci-joint) et en déposer une copie au greffe. **VOUS NE DISEPOSEZ QUE DE 30 JOURS APRÈS QUE LE PRÉSENT AVIS VOUS EST SIGNIFIÉ POUR DÉPOSER UNE DÉFENSE À LA PRÉSENTE CAUSE.**

Que vous désiriez ou non vous opposer à une demande dans la présente cause, **VOUS DEVEZ DÉPOSER UN ÉTAT FINANCIER** (un exemplaire de celui-ci se trouve ci-joint) au greffe **AU PLUS TARD 30 JOURS APRÈS QUE LE PRÉSENT AVIS VOUS EST SIGNIFIÉ.**

Si vous voulez demander une audience orale, vous devez préparer une motion (formule 14B — un exemplaire de celle-ci se trouve ci-joint) et en déposer une copie au greffe du tribunal **AU PLUS TARD 30 JOURS APRÈS QUE LE PRÉSENT AVIS VOUS EST SIGNIFIÉ.**

Suite au verso →

Le tribunal n'examinera que les documents écrits dans la présente cause à la date indiquée ci-dessus. SAUF ORDONNANCE CONTRAIRE DU TRIBUNAL, VOUS N'AVEZ PAS À VOUS RENDRE AU TRIBUNAL NI À VOUS Y FAIRE REPRÉSENTER PAR UN AVOCAT. SI une ordonnance est rendue ou que le juge exige que vous soyez présent(e) ou que vous fournissiez des preuves additionnelles, vous en serez avisé(e).

SI VOUS NE DÉPOSEZ PAS DE DOCUMENTS ÉCRITS, LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE SANS VOTRE DÉFENSE ÉCRITE ET L'EXÉCUTER CONTRE VOUS.

Vous devriez obtenir des conseils juridiques au sujet de cette cause immédiatement. Si vous n'avez pas les moyens de payer un avocat, le bureau d'aide juridique de votre localité pourra peut-être vous aider. (Consultez l'annuaire téléphonique sous la rubrique AIDE JURIDIQUE.)

Date de la signature

Signature du greffier ou greffier du tribunal

REMARQUE : Une copie de la requête devrait être jointe au présent avis, ainsi qu'une copie de l'état financier du/de la requérant(e), une copie de toute ordonnance conditionnelle et une copie de la preuve du/de la requérant(e). Devrait également être joint au présent avis un exemplaire de l'état financier, que vous devez remplir et déposer. Si une ordonnance conditionnelle a été rendue ailleurs en Ontario, vous devez signifier et déposer votre état financier.

Si l'un ou l'autre de ces documents n'est pas joint comme il se doit, vous devriez communiquer immédiatement avec le greffe à l'adresse indiquée au haut de la présente formule.

Formule 37A*Loi sur les tribunaux judiciaires***FEUILLE DE RENSEIGNEMENTS**

Numéro de dossier du greffe

(Nom du tribunal)

Formule 37A : Feuille de renseignements

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AUX REQUÉRANT(E)S :

Il a été signifié à l'intimé(e) ou aux intimé(e)s un avis ☐ d'audience prévu par la Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque.

☐ d'audience d'homologation.

Une copie de cet avis est jointe à la présente feuille. Elle vous est envoyée **À TITRE DE RENSEIGNEMENT SEULEMENT.****VOUS N'AVEZ PAS À VOUS PRÉSENTER À CETTE AUDIENCE NI À VOUS Y FAIRE REPRÉSENTER PAR UN AVOCAT.**

Vous serez avisé(e)s des résultats de l'audience par le greffe ou bureau où vous avez présenté votre requête. Si vous avez des questions, vous devriez communiquer avec votre avocat ou le greffe ou bureau où vous avez présenté votre requête.

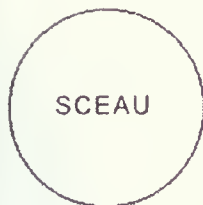
Date de la signature

Signature du greffier ou greffier du tribunal

Formule 37B

Loi sur les tribunaux judiciaires

DIRECTIVE ENJOIGNANT DE DEMANDER DES RENSEIGNEMENTS SUPPLÉMENTAIRES



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

Formule 37B : Directive
enjoignant de demander
des renseignements
supplémentaires

Requérant(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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(Cochez la ou les cases appropriées.)

- ☐ AUX REQUÉRANT(E)S :
☐ À L'UNITÉ DES ORDONNANCES ALIMENTAIRES D'EXÉCUTION RÉCIPROQUE DE L'ONTARIO :

Ce tribunal a examiné la requête en aliments ou la requête en modification d'une ordonnance alimentaire

le (date)

LE TRIBUNAL A AJOURNÉ L'AUDITION DE LA CAUSE AU (date)

- ☐ Il est enjoint au requérant ou à la requérante de fournir les renseignements ou les documents qu'exige le tribunal.
☐ Il est enjoint à l'Unité des ordonnances alimentaires d'exécution réciproque de l'Ontario de communiquer avec le requérant ou la requérante ou l'autorité compétente de l'autorité pratiquant la réciprocité pour demander les renseignements ou les documents qu'exige le tribunal.

Ce tribunal exige les renseignements ou les documents suivants : (Annexer des feuilles supplémentaires au besoin, ou une transcription dans laquelle sont indiqués les renseignements et les documents exigés.)

Suite au verso →

Formule 37B : Directive enjoignant de demander des renseignements supplémentaires (page 2) Numéro de dossier du greffe _____

Les renseignements ou les documents doivent être déposés auprès de ce tribunal à l'adresse indiquée au haut de la présente formule au moins 30 jours avant la date d'audience.

À l'audience, une ordonnance temporaire :

- ☐ n'a pas été rendue;
- ☐ a été rendue --- des précisions suivront;
- ☐ a été rendue --- une copie certifiée conforme de l'ordonnance temporaire se trouve ci-jointe.

Date de la signature

Signature du greffier ou greffier du tribunal

REMARQUE : Une copie de la preuve de l'intimé(e) et une copie des motifs qu'a le tribunal pour demander des preuves additionnelles devraient être jointes à la présente formule. Si l'un ou l'autre de ces documents n'est pas joint comme il se doit, vous devriez communiquer immédiatement avec le greffe à l'adresse indiquée au haut de la présente formule.

Formule 37C
Loi sur les tribunaux judiciaires
AVIS DE POURSUITE DE L'AUDIENCE



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

**Formule 37C : Avis
de poursuite
de l'audience**

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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AUX INTIMÉ(E)S :

LE TRIBUNAL POURSUIVRA UNE AUDIENCE ÉCRITE le (date)
à (heure), ou dès que possible par la suite, au (lieu de l'audience)

La présente cause a été ajournée le (date d'ajournement)
pour qu'elle puisse être renvoyée à l'autorité d'origine pour l'obtention de preuves additionnelles.

L'autorité d'origine nous a maintenant envoyé des preuves additionnelles, dont une copie se trouve ci-jointe. Ce tribunal examinera donc cette cause aux date, heure et lieu indiqués ci-dessus.

SI VOUS SOUHAITEZ PRÉSENTER UNE RÉPONSE À L'ÉGARD DES PREUVES ADDITIONNELLES, VOUS OU VOTRE AVOCAT DEVEZ DÉPOSER UN AFFIDAVIT EN RÉPONSE (formule 14A — un exemplaire se trouve ci-joint) AU PLUS TARD 30 JOURS APRÈS QUE VOUS AVEZ REÇU LE PRÉSENT AVIS.

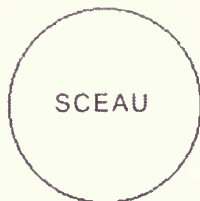
Si vous voulez demander une audience orale, vous devez préparer une motion (formule 14B — un exemplaire de celle-ci se trouve ci-joint) et en déposer une copie au greffe du tribunal **AU PLUS TARD 30 JOURS APRÈS QUE LE PRÉSENT AVIS VOUS EST SIGNIFIÉ.**

Le tribunal n'examinera que les documents écrits dans la présente cause à la date indiquée ci-dessus. SAUF ORDONNANCE CONTRAIRE DU TRIBUNAL, VOUS N'AVEZ PAS À VOUS RENDRE AU TRIBUNAL NI À VOUS Y FAIRE REPRÉSENTER PAR UN AVOCAT. SI une ordonnance est rendue ou que le juge exige que vous soyez présent(e) ou que vous fournissiez des preuves additionnelles, vous en serez avisé(e).

Date de la signature

Signature du greffier ou greffier du tribunal

REMARQUE : Une copie des preuves additionnelles du/de la requérant(e) qui ont été présentées dans le ressort de l'autorité d'origine devrait être jointe au présent avis. Si elle n'est pas jointe comme il se doit, vous devriez communiquer immédiatement avec le greffe à l'adresse indiquée au haut de la présente formule.

Formule 37D*Loi sur les tribunaux judiciaires***AVIS D'ENREGISTREMENT D'UNE ORDONNANCE**

(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____

Adresse du greffe

**Formule 37D : Avis
d'enregistrement
d'une ordonnance**

Requérant(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>

Intimé(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>

AUX : (Cochez la ou les cases appropriées.)

- ☐ **AUX REQUÉRANT(E)S :**
☐ **AUX INTIMÉ(E)S :**

Le/La (nom du tribunal)

situé(e) au (lieu où siège le tribunal)

a demandé aux tribunaux de l'Ontario d'exécuter

- ☐ une ordonnance alimentaire en faveur de personnes à charge.
☐ les dispositions relatives aux aliments d'un accord écrit conclu entre vous-même(s) et l'autre partie.

L'ordonnance ou l'accord a été enregistré auprès de ce tribunal de l'Ontario le (date de l'enregistrement) en application de la Loi 2002 sur les ordonnances alimentaires d'exécution réciproque.

Si vous avez des raisons de croire, selon le cas :

- a) que vous n'avez pas été avisé(e) ou que vous n'avez pas eu une possibilité raisonnable d'être entendu(e);
b) que l'ordonnance ou l'accord est contraire à l'ordre public en Ontario;
c) que le tribunal qui a rendu l'ordonnance n'avait pas compétence pour le faire,

vous pouvez présenter une motion (formules 14 et 14A) en annulation de l'enregistrement, mais ce au plus tard 30 jours après avoir reçu le présent avis. Vous devez envoyer par la poste un avis de votre motion à l'Unité des ordonnances alimentaires d'exécution réciproque de l'Ontario située au : (adresse)

Suite au verso →

Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie.

Si vous choisissez de ne pas contester l'enregistrement, l'ordonnance ou l'accord sera exécuté contre vous comme s'il s'agissait d'une ordonnance d'un tribunal de l'Ontario. Vous avez le droit à n'importe quel moment de présenter une requête en modification de l'ordonnance ou de l'accord s'il y a eu un changement important de circonstances depuis que l'ordonnance a été rendue ou que l'accord a été conclu.

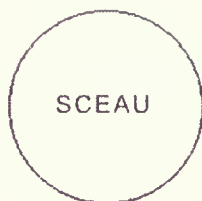
Date de la signature

Signature du greffier ou greffier du tribunal

Formule 37E

Loi sur les tribunaux judiciaires

AVIS DE DEMANDE DE PREUVES ADDITIONNELLES



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au

Adresse du greffe

**Formule 37E : Avis
de demande de
preuves
additionnelles**

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AUX REQUÉRANT(E)S :

- ☐ L'ordonnance conditionnelle dans cette cause
☐ La modification conditionnelle de l'ordonnance rendue par (nom du tribunal)
 le (date).....
 a été portée devant un juge du/de la (nom et adresse du tribunal)

Cet autre tribunal exige que vous fournissiez d'autres preuves. Les précisions sont données dans les documents ci-joints.

Si vous voulez poursuivre votre requête en aliments ou en modification d'aliments, vous ou votre avocat devez préparer un affidavit (formule 14A — un exemplaire se trouve ci-joint) à l'appui de vos preuves additionnelles et le déposer à ce greffe du tribunal.

L'autre tribunal poursuivra son audience le (indiquez la date si elle est connue) Les preuves par affidavit que vous comptez présenter doivent être déposées auprès de ce tribunal 30 jours avant cette date pour qu'elles puissent être envoyées à l'autre tribunal à temps pour l'audience.

SI VOUS NE DÉPOSEZ PAS DE PREUVES ADDITIONNELLES PAR AFFIDAVIT, L'ORDONNANCE CONDITIONNELLE/LA MODIFICATION CONDITIONNELLE D'UNE ORDONNANCE PEUT NE PAS ÊTRE HOMOLOGUÉE PAR L'AUTRE TRIBUNAL.

Date de la signature

Signature du greffier ou greffier du tribunal

REMARQUE : Une copie de la preuve de l'intimé(e) et une copie des motifs qu'a l'autre tribunal pour demander des preuves additionnelles devraient être jointes au présent avis. Si l'un ou l'autre de ces documents n'est pas joint comme il se doit, vous devriez communiquer immédiatement avec le greffe à l'adresse indiquée au haut de la présente formule.

11. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le jour de son dépôt.

(2) Les articles 1, 2, 3, 4, 6, 7, 8 et 10 entrent en vigueur le même jour que la *Loi de 2002 sur les ordonnances alimentaires d'exécution réciproque*.

12/03

ONTARIO REGULATION 57/03

made under the

ENDANGERED SPECIES ACT

Made: March 5, 2003

Filed: March 7, 2003

Amending Reg. 328 of R.R.O. 1990

(Endangered Species)

Note: Regulation 328 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 1 to Regulation 328 of the Revised Regulation of Ontario, 1990 is amended by adding the following item:

19. *Desmognathus fuscus* (Green) commonly known as Northern Dusky Salamander.

2. Schedule 2 to the Regulation is amended by adding the following items:

12. *Woodsia obtusa* (Sprengel) Torr. commonly known as Blunt-lobed Woodsia.

13. *Polygala incarnata* L. commonly known as Pink Milkwort in all locations except on Walpole Island First Nation in Lambton County.

14. *Chimaphila maculata* (L.) Pursch commonly known as Spotted Wintergreen.

12/03

ONTARIO REGULATION 58/03

made under the

ENDANGERED SPECIES ACT

Made: March 5, 2003

Filed: March 7, 2003

Amending Reg. 328 of R.R.O. 1990

(Endangered Species)

Note: Since the end of 2002, Regulation 328 has been amended by Ontario Regulation 57/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 2 to Regulation 328 of the Revised Regulation of Ontario, 1990 is amended by adding the following items:

15. *Trillium flexipes* Raf. commonly known as Drooping Trillium.

16. *Carex juniperorum* Catling, Reznicek & Crins commonly known as Juniper Sedge.

17. *Triphora trianthophora* (Sw.) Rydb. commonly known as Nodding Pogonia.

12/03

ONTARIO REGULATION 59/03

made under the

PUBLIC SERVICE ACT

Made: January 14, 2003

Approved: March 5, 2003

Filed: March 7, 2003

Amending Reg. 977 of R.R.O. 1990

(General)

Note: Regulation 977 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsections 31 (4) and (5) of Regulation 977 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

(4) No grievance shall include a complaint in respect of the following matters:

1. A complaint that a position should be classified.
2. A complaint that a position is in the wrong classification.
3. A complaint relating to a release from employment under subsection 22 (4.1) of the Act.
4. A complaint regarding the method of evaluating an employee's performance.
5. A complaint regarding the evaluation of an employee's performance.
6. A complaint regarding the compensation provided or denied to an employee as a result of an evaluation of his or her performance.

CIVIL SERVICE COMMISSION:

KATHRYN A. BOUEY
Chair

MORAG MCLEAN
Secretary

Dated on January 14, 2003.

12/03

ONTARIO REGULATION 60/03

made under the

HOMES FOR THE AGED AND REST HOMES ACT

Made: March 5, 2003

Filed: March 7, 2003

Amending Reg. 637 of R.R.O. 1990

(General)

Note: Regulation 637 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "registered nursing assistant" in subsection 1 (1) of Regulation 637 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“registered nurse in the extended class” means a member of the College of Nurses of Ontario who is a registered nurse and who holds an extended certificate of registration under the *Nursing Act, 1991*;

“registered nursing staff” means those members of the nursing staff who are registered nurses including registered nurses in the extended class or registered practical nurses;

“registered practical nurse” means a member of the College of Nurses of Ontario who holds a certificate of registration as a registered practical nurse under the *Nursing Act, 1991*;

2. Clause 12.25 (2) (a) of the Regulation is amended by adding “or registered nurse in the extended class attending the resident” after “resident’s physician”.

3. (1) The definition of “pharmacist” in subsection 14 (1) of the Regulation is revoked and the following substituted:

“pharmacist” means a member of the Ontario College of Pharmacists;

(2) The definition of “prescription drug” in subsection 14 (1) of the Regulation is revoked and the following substituted:

“prescription drug” means,

(a) a controlled drug mentioned in Schedule G to the *Food and Drugs Act* (Canada),

(b) a controlled substance as defined in the *Controlled Drugs and Substances Act* (Canada).

(3) Subsection 14 (2) of the Regulation is amended by striking out “all nursing staff” at the end and substituting “all registered nursing staff”.

(4) Subsection 14 (3) of the Regulation is revoked and the following substituted:

(3) Every drug cabinet or storeroom shall be kept locked and the keys shall be under the control of a registered nurse who is on duty or a registered practical nurse on duty or the administrator in the absence of a registered nurse and registered practical nurse.

(5) Subsection 14 (4) of the Regulation is amended by striking out “legally qualified medical practitioner or a pharmacist” at the end and substituting “a legally qualified medical practitioner, pharmacist or registered nurse”.

(6) Subsection 14 (7) of the Regulation is revoked and the following substituted:

(7) A drug shall be taken by or administered to a resident only on the individual prescription or written direction of a legally qualified medical practitioner, a member of the Royal College of Dental Surgeons of Ontario, or a registered nurse in the extended class.

(7) Subsection 14 (8) of the Regulation is revoked and the following substituted:

(8) A prescription drug shall be administered to a resident only by a legally qualified medical practitioner, a member of the Royal College of Dental Surgeons of Ontario, a registered nurse or a registered practical nurse.

4. (1) Subsection 26 (4) of the Regulation is revoked and the following substituted:

(4) The medical director, a registered nurse in the extended class or the attending physician shall report any incidence of reportable or communicable disease outbreaks to the local medical officer of health in accordance with sections 25 and 26 of the *Health Protection and Promotion Act*.

(2) Subsection 26 (8) of the Regulation is revoked and the following substituted:

(8) At least once a year, each resident shall be given a complete physical examination by the attending physician, the medical director or a registered nurse in the extended class.

(3) Subsection 26 (12) of the Regulation is revoked and the following substituted:

(12) Where the medical director, the attending physician or a registered nurse in the extended class directs, a resident of a home shall be given a special diet.

5. Section 28 of the Regulation is revoked and the following substituted:

28. (1) A resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, may retain an attending physician to attend the resident and provide the resident with medical care.

(2) A resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, may retain a registered nurse in the extended class to attend the resident and provide the resident with care.

(3) The registered nurse in the extended class retained under subsection (2) shall comply with the “Standards for Consultation with Physicians by RN(EC)s” including “Collaboration” set out in the publication of the College of Nurses of

Ontario entitled "Standards of Practice for Registered Nurses who hold an extended class certificate of registration" as amended from time to time.

(4) The medical director shall attend and prescribe medication or medical care for any resident of the home who has no attending physician of his or her own or who requests that the services of the medical director be made available.

6. (1) **Clause 47 (2) (a) of the Regulation is amended by adding "or registered nurse in the extended class" after "a physician".**

(2) **Clause 47 (3) (a) of the Regulation is amended by adding "or registered nurse in the extended class" after "a physician".**

7. **Subsection 68 (1) of the Regulation is revoked and the following substituted:**

(1) The municipality, municipalities or board maintaining and operating a home shall ensure that each resident's plan of care is reviewed at least quarterly by at least the following members of the interdisciplinary team providing the resident's care:

1. The physician providing the resident's care.
2. The registered nurse in the extended class, if any, providing the resident's care.
3. The nursing staff providing the resident's care.
4. The food services supervisor or dietitian responsible for the resident's meals.

12/03

ONTARIO REGULATION 61/03

made under the

NURSING HOMES ACT

Made: March 5, 2003

Filed: March 7, 2003

Amending Reg. 832 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 832 has been amended by Ontario Regulation 21/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The definitions of "nursing care" and "nursing staff" in subsection 1 (1) of Regulation 832 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

"nursing care" means skilled nursing and other personal care given by or under the supervision of a registered nurse or a registered practical nurse;

"nursing staff" includes a registered nurse including a registered nurse in the extended class, a registered practical nurse and a health care aide also known as a non-registered nurse's aide;

(2) The definition of "pharmacist" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"pharmacist" means a member of the Ontario College of Pharmacists;

(3) The definition of "prescription drug" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"prescription drug" means,

- (a) a controlled drug mentioned in Schedule G to the *Food and Drugs Act* (Canada),
- (b) a controlled substance as defined in the *Controlled Drugs and Substances Act* (Canada);

(4) The definition of "registered nursing assistant" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"registered nurse in the extended class" means a member of the College of Nurses of Ontario who is a registered nurse and who holds an extended certificate of registration under the *Nursing Act, 1991*;

“registered nursing staff” means those members of the nursing staff who are registered nurses including registered nurses in the extended class or registered practical nurses;

2. (1) Clause 47.2 (2) (a) of the Regulation is amended by adding “or a registered nurse in the extended class” after “a physician”.

(2) Clause 47.2 (3) (a) of the Regulation is amended by adding “or a registered nurse in the extended class” after “a physician”.

3. Clause 48 (2) (a) of the Regulation is amended by adding “or a registered nurse in the extended class attending the resident” after “resident’s physician”.

4. The heading preceding section 50 of the Regulation is revoked and the following substituted:

PHYSICIANS AND REGISTERED NURSES IN THE EXTENDED CLASS

5. Section 50 of the Regulation is amended by adding the following subsections:

(5) A licensee of a nursing home may appoint one or more registered nurses in the extended class for the nursing home, and, if the licensee does so, the licensee shall obtain a written statement signed by each of those registered nurses in the extended class stating that he or she will advise the administrator of the home on care matters in the home that are within the competence of a registered nurse in the extended class.

(6) The registered nurse in the extended class appointed under subsection (5) shall comply with the “Standards for Consultation with Physicians by RN(EC)s” including “Collaboration” set out in the publication of the College of Nurses of Ontario entitled “Standards of Practice for Registered Nurses who hold an extended class certificate of registration” as amended from time to time.

(7) A licensee of a nursing home shall notify the Director in writing of the name, address, telephone number and date of appointment of each registered nurse in the extended class appointed under subsection (5) and, wherever there is a change in any of that information, the licensee shall notify the Director in writing of the change.

6. Sections 51 and 52 of the Regulation are revoked and the following substituted:

51. (1) A resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, may retain a physician to attend the resident and provide the resident with medical care and, if neither of them retains the physician, the administrator shall do so.

(2) A resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, may retain a registered nurse in the extended class to attend the resident and provide the resident with care.

(3) The registered nurse in the extended class retained under subsection (2) shall comply with the “Standards for Consultation with Physicians by RN(EC)s” including “Collaboration” set out in the publication of the College of Nurses of Ontario entitled “Standards of Practice for Registered Nurses who hold an extended class certificate of registration” as amended from time to time.

(4) A physician or registered nurse in the extended class who is retained under subsection (1) or (2) shall,

(a) visit the resident and review the resident’s medication and diet at least once every three months;

(b) make an annual physical examination of the resident and file with the administrator a written report of the examination and his or her findings on the examination; and

(c) make any additional attendances, in addition to those referred to in clauses (a) and (b), as the resident’s condition requires.

52. Where a physician or registered nurse in the extended class has been retained to provide a person who is or is to be a resident with care and he or she does not comply with the requirements of section 51, the administrator shall request him or her to comply with the requirements of section 51 and if the physician or registered nurse in the extended class does not do so, the administrator, after consultation with the resident and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, shall retain another physician and may retain another registered nurse in the extended class to provide the resident with the care.

7. Section 53 of the Regulation is amended by adding the following subsection:

(2) An administrator may arrange for a registered nurse in the extended class to be part of the team that is on call to provide emergency services.

8. (1) Subsection 54 (1) of the Regulation is amended by adding “or a registered nurse in the extended class” after “retain a physician”.

(2) Subsection 54 (2) of the Regulation is amended by adding “or registered nurse in the extended class” after “opinion of the physician”.

9. The Regulation is amended by adding the following section:

54.1 The medical director, a registered nurse in the extended class or the attending physician shall report any incidence of reportable or communicable disease outbreaks to the local medical officer of health in accordance with sections 25 and 26 of the *Health Protection and Promotion Act*.

10. Clause 55 (5) (c) of the Regulation is amended by striking out "registered nursing assistant" at the end and substituting "registered practical nurse".

11. Subsection 56 (4) of the Regulation is revoked and the following substituted:

(4) Where a resident's attending physician or registered nurse in the extended class so requires, a resident's vital signs shall be observed and recorded regularly by the registered nursing staff and the information shall be reported to the physician or registered nurse in the extended class as he or she directs.

12. Subsection 63 (3) of the Regulation is amended by striking out "registered nursing assistant" and substituting "registered practical nurse".

13. (1) Subsection 65 (3) of the Regulation is revoked and the following substituted:

(3) Every drug cabinet or storeroom shall be kept locked and the keys shall be under the control of a registered nurse who is on duty or a registered practical nurse on duty or the administrator in the absence of a registered nurse and registered practical nurse.

(2) Subsection 65 (8) of the Regulation is revoked and the following substituted:

(8) No resident shall keep or be permitted to keep a drug on his or her person or in his or her room unless authorized by either a physician or registered nurse in the extended class who is in attendance on the resident, and in accordance with any conditions that are imposed by the physician or the registered nurse in the extended class.

14. (1) Subsection 68 (1) of the Regulation is amended by striking out "pharmacist or physician" and substituting "pharmacist, physician or a registered nurse in the extended class appointed under subsection 50 (5)".

(2) Subsections 68 (2) and (3) of the Regulation are revoked and the following substituted:

(2) Where a nursing home purchases, keeps or uses a prescription drug referred to in subsection (1), the pharmacist, physician or a registered nurse in the extended class appointed under subsection 50 (5) shall keep or cause to be kept,

(a) a record of the name, strength and quantity of the prescription drug; and

(b) the records required to be kept by the *Regulated Health Professions Act, 1991*, the *Food and Drugs Act* (Canada) and the *Controlled Drugs and Substances Act* (Canada) for the receipt and sale or disposition of the prescription drug.

(3) A prescription drug referred to in subsection (1) shall be stored in a separate locked drug cabinet or storeroom that is accessible only to a pharmacist, physician or member of the registered nursing staff.

15. Subsection 69 (2) of the Regulation is revoked and the following substituted:

(2) Where a resident dies, written approval of the person who has signed the medical certificate of death under the *Vital Statistics Act* shall be obtained before a drug that was provided for the resident is destroyed or removed.

16. Subsection 70 (3) of the Regulation is amended by striking out "registered nursing assistant" at the end and substituting "registered practical nurse".

17. Subsections 78 (1), (2) and (3) of the Regulation are revoked and the following substituted:

(1) Where a resident dies in a nursing home, the resident's death shall be reported immediately to,

(a) a coroner by the person in charge of the nursing home at the time of the resident's death;

(b) the resident's physician; and

(c) any registered nurse in the extended class who attended the resident.

(2) Where the attending physician or registered nurse in the extended class is satisfied that the death was from natural causes and the coroner has been informed of the resident's death, the body of the resident may be moved to a private area in the nursing home.

(3) The attending physician or registered nurse in the extended class shall make a written report indicating the cause and time of death of the resident, and the report shall be retained in the resident's file.

18. Section 89 of the Regulation is revoked and the following substituted:

89. The medical record of a resident must include a written report of,

(a) the resident's medical history;

- (b) each physical examination of the resident by a physician or a registered nurse in the extended class;
- (c) diagnoses of the resident's condition;
- (d) orders for the treatment of the resident, including,
 - (i) orders for the administration of drugs,
 - (ii) orders for medication, and
 - (iii) follow-up notes indicating the resident's condition at each visit, signed by the physician or registered nurse in the extended class attending the resident;
- (e) a written copy of every telephone order for treatment of the resident given by a physician, together with the signature of the registered nurse or registered practical nurse to whom the telephone order was given and the counter-signature of the physician who gave the telephone order;
- (f) daily nursing notes that are signed by the nurse in charge of the resident and that record every change in the resident's condition considered significant in the opinion of the nurse in charge of the resident; and
- (g) any records required to be kept under the provisions of the *Controlled Drugs and Substances Act* (Canada) or Part III of the *Food and Drugs Act* (Canada).

19. Subsection 127 (1) of the Regulation is revoked and the following substituted:

(1) A licensee of a nursing home shall ensure that each resident's plan of care is reviewed at least quarterly by at least the following members of the interdisciplinary team providing the resident's care:

- 1. The physician providing the resident's care.
- 2. The registered nurse in the extended class, if any, providing the resident's care.
- 3. The nursing staff providing the resident's care.
- 4. The food services supervisor or dietitian responsible for the resident's needs.

12/03

ONTARIO REGULATION 62/03

made under the

HEALTH INSURANCE ACT

Made: March 5, 2003

Filed: March 7, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03 and 50/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

"extended class nursing staff" means those registered nurses in the extended class in a hospital,

- (a) who are employed by the hospital and are authorized to diagnose, prescribe for or treat out-patients in the hospital, and
- (b) who are not employed by the hospital and to whom the governing body or authority of the hospital has granted privileges to diagnose, prescribe for or treat out-patients in the hospital;

2. (1) Paragraph 2 of subsection 8 (1) of the Regulation is revoked and the following substituted:

- 2. The use of radiotherapy facilities where available in a hospital in Canada when prescribed by a physician.
- 2.1 The use of occupational therapy and physiotherapy facilities where available in a hospital in Canada when prescribed by a physician or a registered nurse in the extended class.

(2) Paragraph 3 of subsection 8 (1) of the Regulation is amended by striking out "or by an oral and maxillofacial surgeon" and substituting "by an oral and maxillofacial surgeon or by a registered nurse in the extended class".

(3) Paragraph 4 of subsection 8 (1) of the Regulation is amended by adding at the end "or a registered nurse in the extended class".

(4) Paragraph 5 of subsection 8 (1) of the Regulation is amended by striking out "or an oral and maxillofacial surgeon on the dental staff" in the portion before subclause i and substituting "an oral and maxillofacial surgeon on the dental staff or a registered nurse in the extended class on the extended class nursing staff".

(5) Paragraphs 6 and 7 of subsection 8 (1) of the Regulation are revoked and the following substituted:

6. Use of home renal dialysis medications where available in a hospital in Canada and prescribed by a physician on the medical staff of that hospital.

6.1 Use of home renal dialysis equipment and supplies where available in a hospital in Canada and prescribed by a physician on the medical staff of that hospital or by a registered nurse in the extended class on the extended class nursing staff of that hospital.

7. Use of home hyperalimentation medications where available in a hospital in Ontario and prescribed by a physician on the medical staff of that hospital.

7.1 Use of home hyperalimentation equipment and supplies where available in a hospital in Ontario and prescribed by a physician on the medical staff of that hospital or by a registered nurse in the extended class on the extended class nursing staff of that hospital.

(6) Subsection 8 (1) of the Regulation is amended by adding the following paragraph:

8.1 The provision to haemophiliac patients, for use in the home, of equipment and supplies other than blood products where the equipment and supplies are available in a hospital in Ontario and prescribed by a registered nurse in the extended class on the extended class nursing staff of that hospital.

(7) Paragraphs 1 and 2 of subsection 8 (1.2) of the Regulation are revoked and the following substituted:

1. A mammogram.

2. An X-ray of a chest, ribs, arm, wrist, hand, leg, ankle or foot.

(8) Subsection 8 (1.3) of the Regulation is revoked.

3. Clause 11 (1) (e) of the Regulation is revoked and the following substituted:

(e) registered as an out-patient on the order or under the authority of a registered nurse in the extended class.

4. Subsection 37 (3) of the Regulation is revoked and the following substituted:

(3) The General Manager may require a hospital to obtain the written statement described in subsection (4) from the insured person's attending physician, oral and maxillofacial surgeon, midwife or registered nurse in the extended class and to forward it to the General Manager.

(4) The written statement, to be prepared by the attending physician, oral and maxillofacial surgeon, midwife or registered nurse in the extended class, is a statement regarding the condition of the insured person and must state the reason that any ambulance services provided to the insured person are necessary.

12/03

ONTARIO REGULATION 63/03

made under the

CHARITABLE INSTITUTIONS ACT

Made: March 5, 2003

Filed: March 7, 2003

Amending Reg. 69 of R.R.O. 1990
(General)

Note: Regulation 69 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "registered nursing assistant" in subsection 1 (1) of Regulation 69 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“registered nurse in the extended class” means a member of the College of Nurses of Ontario who is a registered nurse and who holds an extended certificate of registration under the *Nursing Act, 1991*;

“registered nursing staff” means those members of the nursing staff who are registered nurses including registered nurses in the extended class or registered practical nurses;

“registered practical nurse” means a member of the College of Nurses of Ontario who holds a certificate of registration as a registered practical nurse under the *Nursing Act, 1991*;

2. Section 14 of the Regulation is amended by adding the following subsections:

(6) An approved corporation maintaining and operating a charitable institution may appoint one or more registered nurses in the extended class for the institution, and, if the approved corporation does so, the approved corporation shall obtain a written statement signed by each of those registered nurses in the extended class stating that he or she will advise the administrator on care matters in the institution that are within the competence of a registered nurse in the extended class.

(7) The registered nurse in the extended class appointed under subsection (6) shall comply with the “Standards for Consultation with Physicians by RN(EC)s” including “Collaboration” set out in the publication of the College of Nurses of Ontario entitled “Standards of Practice for Registered Nurses who hold an extended class certificate of registration” as amended from time to time.

(8) An approved corporation maintaining and operating a charitable institution shall notify the Director in writing of the name, address, telephone number and date of appointment of each registered nurse in the extended class appointed under subsection (6) and, wherever there is a change in any of that information, the approved corporation shall notify the Director in writing of the change.

3. (1) Subsection 15 (2) of the Regulation is revoked and the following substituted:

(2) The physician appointed under subsection 14 (1) is responsible for the medical care provided for or administered to the residents of the charitable institution.

(2.1) All medications and drugs provided for or used in the charitable institution are subject to the approval of the physician appointed under subsection 14 (1) or a registered nurse in the extended class appointed under subsection 14 (6).

(2.2) A registered nurse in the extended class appointed under subsection 14 (6) is responsible for the care provided to or administered to the residents of the charitable institution that is within the competence of a registered nurse in the extended class.

(2) Subsection 15 (4) of the Regulation is amended by striking out “The physician for the institution” in the portion before clause (a) and substituting “The physician for the institution, a registered nurse in the extended class or the attending physician retained under subsection (4.2)”.

(3) Section 15 of the Regulation is amended by adding the following subsections:

(4.2) A resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, may retain an attending physician to attend the resident and provide the resident with medical care.

(4.3) A resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, may retain a registered nurse in the extended class to attend the resident and provide the resident with care.

(4.4) The registered nurse in the extended class retained under subsection (4.3) shall comply with the “Standards for Consultation with Physicians by RN(EC)s” including “Collaboration” set out in the publication of the College of Nurses of Ontario entitled “Standards of Practice for Registered Nurses who hold an extended class certificate of registration” as amended from time to time.

(4) Section 15 of the Regulation is amended by adding the following subsection:

(5.1) Any registered nurse in the extended class appointed under subsection 14 (6) shall attend and prescribe medication or treatment for any resident who requests his or her services.

(5) Subsections 15 (6), (7) and (8) of the Regulation are revoked and the following substituted:

(6) At least once a year, each resident of the institution shall be given a complete physical examination by the physician for the institution, the attending physician or a registered nurse in the extended class.

(7) One of the persons mentioned in subsection (6) shall make a detailed written report of the results of each physical examination of a resident and any recommendations pertaining to the examination, and the report shall be retained along with other records of the resident for at least 20 years after the last entry in the records with respect to the resident or, where the resident dies, for at least five years after the death of the resident.

(8) A resident shall be given any special diet that may be directed by the physician for the institution, the attending physician or a registered nurse in the extended class.

5. (1) The definition of “pharmacist” in subsection 19 (1) of the Regulation is revoked and the following substituted:

“pharmacist” means a member of the Ontario College of Pharmacists;

(2) The definition of “prescription drug” in subsection 19 (1) of the Regulation is revoked and the following substituted:

“prescription drug” means,

- (a) a controlled drug mentioned in Schedule G to the *Food and Drugs Act* (Canada),
- (b) a controlled substance as defined in the *Controlled Drugs and Substances Act* (Canada).

(3) Subsection 19 (2) of the Regulation is amended by striking out “all nursing staff” at the end and substituting “all registered nursing staff”.

(4) Subsection 19 (3) of the Regulation is revoked and the following substituted:

(3) Every drug cabinet or storeroom shall be kept locked and the keys shall be under the control of a registered nurse who is on duty or a registered practical nurse on duty or the administrator in the absence of a registered nurse and registered practical nurse.

(5) Subsection 19 (4) of the Regulation is amended by striking out “physician or a pharmacist” at the end and substituting “physician, pharmacist or registered nurse”.

(6) Subsection 19 (7) of the Regulation is amended by striking out “physician, or” and substituting “physician, registered nurse in the extended class or”.

(7) Subsection 19 (8) of the Regulation is revoked and the following substituted:

(8) A prescription drug shall be administered to a resident only by a physician, a member of the Royal College of Dental Surgeons of Ontario, a registered nurse or a registered practical nurse.

6. Clause 20.1 (2) (a) of the Regulation is amended by adding “or a registered nurse in the extended class attending the resident” after “resident’s physician”.

7. (1) Clause 49 (2) (a) of the Regulation is amended by adding “or registered nurse in the extended class” after “a physician”.

(2) Clause 49 (3) (a) of the Regulation is amended by adding “or registered nurse in the extended class” after “a physician”.

8. Subsection 58 (1) of the Regulation is revoked and the following substituted:

(1) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that each resident’s plan of care is reviewed at least quarterly by at least the following members of the interdisciplinary team providing the resident’s care:

- 1. The physician providing the resident’s care.
- 2. The registered nurse in the extended class, if any, providing the resident’s care.
- 3. The nursing staff providing the resident’s care.
- 4. The food services supervisor or dietitian responsible for the resident’s meals.

12/03

ONTARIO REGULATION 64/03

made under the

PUBLIC HOSPITALS ACT

Made: February 12, 2003

Approved: March 5, 2003

Filed: March 7, 2003

Amending Reg. 965 of R.R.O. 1990

(Hospital Management)

Note: Regulation 965 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 1 (1) of Regulation 965 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

“chief nursing executive” means the senior nurse employed by the hospital who reports directly to the administrator and is responsible for nursing services provided in the hospital;

(2) The definition of “extended class nursing staff” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“extended class nursing staff” means those registered nurses in the extended class in a hospital,

- (a) who are employed by the hospital and are authorized to diagnose, prescribe for or treat out-patients in the hospital, and
- (b) who are not employed by the hospital and to whom the board has granted privileges to diagnose, prescribe for or treat out-patients in the hospital;

2. (1) Subsection 2 (3) of the Regulation is amended by striking out “and” at the end of clause (d) and by adding the following clause:

(d.1) in the case of a hospital whose by-laws provide for a nursing advisory committee, appoint the chief nursing executive as chair of the nursing advisory committee; and

(2) Clause 2 (3) (e) of the Regulation is amended by striking out “medical staff, staff nurses” in the portion before subclause (i) and substituting “medical staff, chief nursing executive, staff nurses”.

3. (1) Clause 4 (1) (a) of the Regulation is amended by striking out “and” at the end of subclause (vi) and by adding the following subclauses:

- (viii) procedures for the appointment by the administrator of a nurse as the chief nursing executive of the hospital, and
- (ix) the functions and responsibilities of the chief nursing executive;

(2) Subsection 4 (1) of the Regulation is amended by adding the following clause:

(b.1) in the case of a hospital whose by-laws provide for a nursing advisory committee, provide for the election or appointment of members of the nursing advisory committee and for the duties of the committee;

(3) Subclause 4 (1) (f) (i) of the Regulation is amended by striking out “the participation of nurses who are managers and staff nurses” at the beginning and substituting “the participation of the chief nursing executive, nurses who are managers and staff nurses”.

(4) Subclause 4 (1) (f) (ii) of the Regulation is amended by striking out “the participation at the committee level of staff nurses” at the beginning and substituting “the participation at the committee level of the chief nursing executive and of staff nurses”.

4. Clause 5 (1) (d) of the Regulation is revoked and the following substituted:

(d) the chief nursing executive or another person representing nurses who are managers;

5. (1) Subclauses 7 (2) (a) (v) and (vi) of the Regulation are revoked and the following substituted:

(v) the quality of care provided in the hospital by the medical staff, dental staff, midwifery staff and by the extended class nursing staff, and

(2) Clause 7 (2) (b) of the Regulation is revoked and the following substituted:

(b) supervise the practice of medicine, dentistry, midwifery and extended class nursing in the hospital;

(3) Section 7 of the Regulation is amended by adding the following subsection:

(2.1) Despite subclauses (2) (a) (i), (ii) and (iv), the duties of the medical advisory committee described in those subclauses that relate to the extended class nursing staff of a hospital shall only be performed with respect to those members of the extended class nursing staff who are not employees of the hospital and to whom the board has granted privileges to diagnose, prescribe for or treat out-patients in the hospital.

6. The Regulation is amended by adding the following section:

NURSING ADVISORY COMMITTEE

7.1 (1) If a hospital's by-laws provide for a nursing advisory committee, the committee shall be comprised of,

(a) the chief nursing executive; and

(b) such other members of the nursing staff as are elected or appointed in accordance with the hospital's by-laws.

(2) In subsection (1),

"nursing staff" means, with respect to a hospital, all nurses employed or otherwise engaged by the hospital to provide services in the hospital and all members of the hospital's extended class nursing staff, and includes nurses who are managers and the chief nursing executive for the hospital.

(3) The nursing advisory committee shall carry out such duties as may be established by by-law.

7. (1) Clause 11 (3) (a) of the Regulation is amended by striking out "medical or midwifery staff" at the end and substituting "medical staff, midwifery staff or extended class nursing staff".

(2) Clause 11 (3) (c) of the Regulation is revoked.

8. Subsection 18 (3) of the Regulation is revoked and the following substituted:

(3) Where an administrator believes that a person who is a member of the medical, dental, midwifery or extended class nursing staff is unable to perform the person's professional duties with respect to a patient in the hospital, the administrator shall notify,

(a) the chief of staff or the chair of the medical advisory committee;

(b) in the case of a member of the medical staff, the president or the secretary of the medical staff; and

(c) in the case of a member of the extended class nursing staff, the chief nursing executive.

9. (1) Clause 19 (5) (a) of the Regulation is amended by striking out "dentists and midwives" and substituting "dentists, midwives and registered nurses in the extended class".

(2) Clause 19 (5) (c) of the Regulation is revoked and the following substituted:

(c) records of all examinations carried out on the out-patient in the hospital by members of the medical, dental, midwifery and extended class nursing staff;

(3) Clause 19 (5) (h) of the Regulation is revoked and the following substituted:

(h) records of all treatment carried out on the out-patient in the hospital by members of the medical, dental, midwifery and extended class nursing staff;

10. Subsections 24 (1) and (2) of the Regulation are revoked and the following substituted:

(1) Every order for treatment or for a diagnostic procedure of a patient shall, except as provided in subsection (2), be in writing and shall be dated and authenticated by the physician, dentist, midwife or registered nurse in the extended class giving the order.

(2) A physician, dentist, midwife or registered nurse in the extended class may dictate an order for treatment or for a diagnostic procedure by telephone to a person designated by the administrator to take such orders.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on February 12, 2003.

12/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—03—29

ONTARIO REGULATION 65/03

made under the

EDUCATION ACT

Made: March 5, 2003

Filed: March 10, 2003

Amending O. Reg. 471/98

(School Attendance Rights — Non-Resident Property Owners)

Note: Ontario Regulation 471/98 has not previously been amended.

1. Section 1 of Ontario Regulation 471/98 is revoked and the following substituted:

1. For the purposes of this Regulation, the assessment limit of a board for a fiscal year of the board in which a person seeks to exercise a right described in section 43.1 of the Act to attend a school of the board is the amount calculated using the formula,

A/B

where,

“A” is the sum of,

- (a) the assessment of residential property taxable for the board’s purposes, according to the last returned assessment roll, and
- (b) the board’s share of assessment of business property, according to the last returned assessment roll, for each municipality and for territory without municipal organization as determined by applying, where applicable, the enrolment proportions in each common jurisdictional area as calculated by the Minister under subsection 257.8 (3) of the Act, and

“B” is the day school average daily enrolment for the board, as calculated for the purposes of making grants for educational purposes to the board under section 234 of the Act for that fiscal year.

2. Section 2 of the Regulation is revoked and the following substituted:

2. This Regulation does not apply with respect to residential property that is assessed under the multi-residential property class or the new multi-residential property class.

3. Section 7 of the Regulation is revoked and the following substituted:

7. Nothing in this Regulation shall be interpreted to give a person a right to attend a school during a period of time when the person is subject to a full expulsion under section 309 of the Act.

RÈGLEMENT DE L’ONTARIO 65/03

pris en application de la

LOI SUR L’ÉDUCATION

pris le 5 mars 2003

déposé le 10 mars 2003

modifiant le Règl. de l’Ont. 471/98

(Droit de fréquentation scolaire — propriétaires de biens non résidents)

Remarque : Le Règlement de l’Ontario 471/98 n’a pas été modifié antérieurement.

1. L’article 1 du Règlement de l’Ontario 471/98 est abrogé et remplacé par ce qui suit :

1. Pour l'application du présent règlement, le plafond d'évaluation d'un conseil pour un exercice au cours duquel une personne cherche à exercer le droit, prévu à l'article 43.1 de la Loi, de fréquenter une école qui relève du conseil est calculé selon la formule suivante :

A/B

où :

«A» est la somme des montants suivants :

- a) l'évaluation des biens résidentiels imposables aux fins du conseil selon le rôle d'évaluation déposé le plus récemment;
- b) la part, qui revient au conseil, de l'évaluation des biens d'entreprise selon le rôle d'évaluation déposé le plus récemment pour chaque municipalité et chaque territoire non érigé en municipalité, telle qu'elle est calculée en appliquant, le cas échéant, les proportions d'effectif de chaque territoire commun de compétence, que le ministre calcule en application du paragraphe 257.8 (3) de la Loi;

«B» est l'effectif quotidien moyen de jour du conseil, calculé aux fins des subventions à des fins éducatives qui lui sont octroyées pour l'exercice en vertu de l'article 234 de la Loi.

2. L'article 2 du Règlement est abrogé et remplacé par ce qui suit :

2. Le présent règlement ne s'applique pas à l'égard des biens résidentiels qui sont évalués à titre de biens de la catégorie des immeubles à logements multiples ou de celle des nouveaux immeubles à logements multiples.

3. L'article 7 du Règlement est abrogé et remplacé par ce qui suit :

7. Le présent règlement n'a pas pour effet de donner le droit de fréquenter une école à quiconque fait l'objet d'un renvoi complet en application de l'article 309 de la Loi.

13/03

ONTARIO REGULATION 66/03

made under the

EDUCATION ACT

Made: March 5, 2003

Filed: March 10, 2003

Amending O. Reg. 20/98

(Education Development Charges – General)

Note: Ontario Regulation 20/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subparagraph 10 iii of section 7 of Ontario Regulation 20/98 is amended by striking out “city, town, village or township” at the end and substituting “municipality”.

RÈGLEMENT DE L'ONTARIO 66/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 5 mars 2003
déposé le 10 mars 2003

modifiant le Règl. de l'Ont. 20/98

(Redevances d'aménagement scolaires — dispositions générales)

Remarque : Le Règlement de l'Ontario 20/98 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. La sous-disposition 10 iii de l'article 7 du Règlement de l'Ontario 20/98 est modifiée par substitution de «une municipalité» à «une cité, une ville, un village ou un canton» à la fin de la sous-disposition.

13/03

ONTARIO REGULATION 67/03

made under the

EDUCATION ACT

Made: March 5, 2003

Filed: March 10, 2003

Amending O. Reg. 157/02

(Calculation of Average Daily Enrolment for the 2002-2003 School Board Fiscal Year)

Note: Ontario Regulation 157/02 has not previously been amended.

1. Paragraph 2 of subsection 3 (2) of Ontario Regulation 157/02 is amended by striking out "*Immigration Act (Canada)*" and substituting "*Immigration and Refugee Protection Act (Canada)*".

RÈGLEMENT DE L'ONTARIO 67/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 5 mars 2003

déposé le 10 mars 2003

modifiant le Règl. de l'Ont. 157/02

(Calcul de l'effectif quotidien moyen pour l'exercice 2002-2003 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 157/02 n'a pas été modifié antérieurement.

1. La disposition 2 du paragraphe 3 (2) du Règlement de l'Ontario 157/02 est modifiée par substitution de «*Loi sur l'immigration et la protection des réfugiés (Canada)*» à «*Loi sur l'immigration (Canada)*».

13/03

ONTARIO REGULATION 68/03

made under the

PRIVATE CAREER COLLEGES ACT

Made: March 5, 2003

Filed: March 10, 2003

Amending Reg. 939 of R.R.O. 1990

(General)

Note: Regulation 939 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 939 of the Revised Regulations of Ontario, 1990 is amended by,

- (a) striking out "private vocational school" wherever it appears and substituting in each case "private career college";
- (b) striking out "*Private Vocational Schools Act*" wherever it appears and substituting in each case "*Private Career Colleges Act*"; and
- (c) striking out "school" wherever it appears and substituting in each case "career college".

2. Subsection 4 (7) of the Regulation is revoked.

3. Subsections 9 (9) and (10) of the Regulation are revoked.

4. Section 26 of the Regulation is revoked and the following substituted:

26. Each occupation included in the document entitled "National Occupational Classification, 2001 – Occupational Descriptions" published by Human Resources Development Canada is prescribed as a vocation for the purposes of the definition of "vocation" in section 1 of the Act.

13/03

ONTARIO REGULATION 69/03

made under the

NORTHERN SERVICES BOARDS ACT

Made: March 10, 2003

Filed: March 11, 2003

Amending Reg. 737 of R.R.O. 1990

(Local Services Boards)

Note: Regulation 737 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 737 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

NOLALU

39. (1) A local services board is established under the name "The Local Services Board of Nolalu".

(2) The boundaries of the Board area are those described in the Schedule.

(3) The Board shall be composed of five members.

(4) The Board may exercise the powers set out in paragraphs 2 and 6 of the Schedule to the Act.

(5) The election of the members of the Board shall be held no later than April 30, 2003 and the first members shall hold office until no later than September 30, 2003 if a new Board is elected by that date or until the Board is elected if a new Board has not been elected by that date.

(6) The Northern Development Officer for Atikokan is appointed to conduct and supervise the election of the first members and he or she may do anything that is reasonably required for that purpose.

SCHEDULE

All that parcel or tract of land in the Territorial Division of Thunder Bay described as follows:

All of the Geographic Township of Marks.

All of the Geographic Township of Lybster.

All of the Geographic Township of Strange, except Divide Ridge Provincial Nature Reserve.

All of the Geographic Township of Hardwick, except Castle Creek Provincial Nature Reserve and except the following properties described by their Crown Location reference numbers:

CL 3662

CL 4548

CL 5602

CL 6072

CL 9780

FD 1

FD 2

FD 3

FD 4

FD 5

HM 247

HM 248

PJ 15
PJ 16
PJ 20
PJ 21
PJ 22
PJ 23
PJ 31
PJ 44
PJ 52
PJ 64
PJ 65
PJ 66
PJ 116
PJ 126
PP 752
RK 743
RK 776
RK 777
RK 795
RK 796
RK 819
RK 828
RK 829
SF 16
SF 18
TW 21
TW 22
TW 23
TW 255
WG 24
WG 25
WG 26
WG 115
WG 116
WG 117

JIM WILSON
Minister of Northern Development and Mines

Dated on March 10, 2003.

13/03

ONTARIO REGULATION 70/03

made under the

NORTHERN SERVICES BOARDS ACT

Made: March 10, 2003

Filed: March 11, 2003

Amending Reg. 737 of R.R.O. 1990
(Local Services Boards)

Note: Since the end of 2002, Regulation 737 has been amended by Ontario Regulation 69/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 25 (2) of Regulation 737 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(2) The boundaries of the Board area are those described in the Schedule.

(2) Section 25 of the Regulation is amended by adding the following Schedule:

SCHEDULE

All that parcel or tract of land in the geographic Townships of Gorham, Jacques, Fowler and Ware, in the Territorial District of Thunder Bay and Province of Ontario, described as follows:

Beginning at the southeasterly corner of Lot 12, Concession 8 in the geographic Township of Gorham;

Thence northerly along the easterly limit of the said Lot 12, Concession 8, to the northeasterly corner thereof;

Thence easterly along the boundary between the geographic Township of Jacques and Gorham, to the southeasterly corner of Lot 4, Concession 1, in the said Township of Jacques;

Thence northerly along the easterly boundary of Lot 4 in Concessions 1 and 2, to the northeasterly corner of Lot 4, Concession 2;

Thence westerly along the northerly limit of Lots 4, 5, 6, 7, 8, 9, 10 and 11, Concession 2, to the southeasterly corner of Lot 12, Concession 3, in the said Township of Jacques;

Thence northerly along the easterly limit of Lot 12, Concession 3, and the extension of the said easterly limit across One Island Lake, to a point on the said easterly limit being at the intersection of said easterly limit with the southwesterly water's edge of Two Island Lake;

Thence in a northwesterly direction along the water's edge of Two Island Lake to its intersection with the northerly limit of Lot 12, Concession 3;

Thence westerly along the southerly limit of Lot 12, Concession 4, to the southwesterly corner of Lot 12, Concession 4;

Thence northerly along the boundary between the geographic Townships of Jacques and Fowler to the northeasterly corner of Lot 1, Concession 5, in the said geographic Township of Fowler;

Thence westerly along the northerly limit of Lots 1, 2, 3 and 4, Concession 5, to the northwesterly corner of Lot 4, Concession 5, in the said geographic Township of Fowler;

Thence southerly along the westerly limit of Lot 4, Concession 5, to the southwesterly corner of Lot 4, Concession 5, at the water's edge of Hawk Lake;

Thence in a southwesterly direction along the water's edge of Hawk Lake, being also the south and southeasterly limit of Lots 5 and 6, Concession 5, to intersection of said water's edge with the line between Concessions 4 and 5;

Thence westerly along the northerly limit of Lots 6, 7 and 8, Concession 4, to the northwesterly corner of Lot 8, Concession 4;

Thence southerly along the westerly limit of Lot 8, Concession 4, to a point being at the intersection of the said westerly limit with the northerly water's edge of Hawk Lake;

Thence in a southwesterly direction along the northerly water's edge of Hawk Lake to a point on the westerly limit of Lot 9, Concession 4, being at the intersection of the said westerly limit with the said northerly water's edge;

Thence southerly along the westerly limit of Lot 9, Concession 4, and the extension of the said westerly limit across Hawk Lake to the southwesterly corner of Lot 9, Concession 4;

Thence southerly along the easterly limit of Lot 10, Concessions 1, 2 and 3, to the southeasterly corner of Lot 10, Concession 1, in the said geographic Township of Fowler;

Thence easterly along the boundary between the Townships of Fowler and Ware to the northwesterly corner of Lot 3, Concession 8, in the geographic Township of Ware;

Thence southerly along the westerly limit of Lot 3, Concessions 8, 7 and 6, to the northeasterly corner of Lot 4, Concession 5;

Thence westerly along the northerly limit of Lots 4, 5 and 6, Concession 5, to the northwesterly corner of Lot 6, Concession 5;

Thence southerly along the westerly limit of the said Lot 6 to the line between the north and south halves of Lot 7, Concession 5;

Thence westerly along the line between the north and south halves of said Lot 7, to the westerly limit of the said lot;

Thence southerly along the westerly limit of Lot 7, Concessions 5 and 4, to the northerly limit of Mining Location 210T;

Thence easterly along the said northerly limit to the northeasterly corner of the said Mining Location;

Thence southerly along the easterly limit of Mining Locations 210T and 214T to the southeasterly corner of Mining Location 214T;

Thence westerly along the southerly limit of said Mining Location 214T to the northwesterly corner of Lot 7, Concession 3;

Thence southerly along the westerly limit of Lot 7, Concessions 3 and 2, to the line between the north and south halves of Lot 7, Concession 2;

Thence easterly along the line between the north and south halves of said Lot 7 to the westerly limit of Lot 6, Concession 2;

Thence southerly along the westerly limit of the said Lot 6, Concession 2, to the southwest corner thereof;

Thence easterly along the southerly limit of the said Lot 6, Concession 2, to the northwesterly corner of Lot 5, Concession 1;

Thence southerly along the westerly limit of the said Lot 5, Concession 1, to the line between the north and south halves of Lot 5, Concession 1;

Thence easterly along the line between the north and south halves of Lots 5 and 4, Concession 1, to the westerly limit of Lot 3, Concession 1;

Thence southerly along the westerly limit of said Lot 3, Concession 1, to the southerly boundary of the geographic Township of Ware;

Thence easterly along the southerly boundary of the geographic Townships of Ware and Gorham to the southeasterly corner of Lot 9, Concession 1, in the said Township of Gorham;

Thence northerly along the easterly limit of Lot 9, Concession 1, to the northeasterly corner thereof;

Thence in a straight line northerly, across Mining Locations AL 43 and R 463, to the southeast corner of Lot 9, Concession 2;

Thence northerly along the easterly limit of Lot 9, Concessions 2, 3 and 4, to the line between the north and south halves of Lot 9, Concession 4;

Thence westerly along the line between the north and south halves of said Lot 9 to the easterly limit of Lot 10, Concession 4;

Thence northerly along the easterly limit of Lot 10, Concessions 4, 5, 6 and 7, to the line between the north and south halves of Lot 10, Concession 7;

Thence westerly along the line between the north and south halves of said Lot 10 to the easterly limit of Lot 11, Concession 7;

Thence northerly along the easterly limit of said Lot 11, Concession 7, to the northeasterly corner thereof;

Thence westerly along the northerly limit of said Lot 11, Concession 7, to the place of beginning.

JIM WILSON
Minister of Northern Development and Mines

Dated on March 10, 2003.

13/03

ONTARIO REGULATION 71/03

made under the

EDUCATION ACT

Made: February 12, 2003
Approved: March 5, 2003
Filed: March 12, 2003

Amending Reg. 285 of R.R.O. 1990
(Continuing Education)

Note: Regulation 285 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Paragraph 3 of subsection 1 (1) of Regulation 285 of the Revised Regulations of Ontario, 1990 is amended by striking out “*Immigration Act (Canada)*” and substituting “*Immigration and Refugee Protection Act (Canada)*”.

ELIZABETH WITMER
Minister of Education

Dated on February 12, 2003.

RÈGLEMENT DE L'ONTARIO 71/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 12 février 2003
approuvé le 5 mars 2003
déposé le 12 mars 2003

modifiant le Règl. 285 des R.R.O. de 1990
(Éducation permanente)

Remarque : Le Règlement 285 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. La disposition 3 du paragraphe 1 (1) du Règlement 285 des Règlements refondus de l'Ontario de 1990 est modifiée par substitution de «*Loi sur l'immigration et la protection des réfugiés (Canada)*» à «*Loi sur l'immigration (Canada)*».

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 12 février 2003.

13/03

ONTARIO REGULATION 72/03

made under the

WORKPLACE SAFETY AND INSURANCE ACT, 1997

Made: February 10, 2003
Approved: March 5, 2003
Filed: March 13, 2003

Amending O. Reg. 562/99
(Benefit for Loss of Retirement Income)

Note: Ontario Regulation 562/99 has not previously been amended.

1. Section 6 of Ontario Regulation 562/99 is amended by adding the following subsections:

(6.1) If no person is entitled to receive the pre-retirement death benefit under subsection (4), (5) or (6), it shall be paid to the worker's designated beneficiary, and, if the worker has not designated a beneficiary, to his or her estate.

(6.2) Subsection (6.1) is effective as of January 1, 1998.

Commencement

2. This Regulation comes into force on the day subsection 5 (8) of Schedule J to the *Government Efficiency Act, 2002* comes into force.

WORKPLACE SAFETY AND INSURANCE BOARD:

RON S. HIKEL
Chair

LINDA ANGOVE
Secretary

Dated on February 10, 2003.

13/03

ONTARIO REGULATION 73/03

made under the

MUNICIPAL ACT, 2001

Made: March 6, 2003
Filed: March 13, 2003

TAX MATTERS — SPECIAL TAX RATES AND LIMITS, 2003 AND LATER YEARS

PART I INTERPRETATION

Definitions

1. (1) In this Regulation,

“former municipality” means a municipality as it existed on the day before a municipal restructuring took effect under the Act or the Old Act;

“merged area” means, in respect of a restructured municipality, a part of the restructured municipality that, before the restructuring, was,

- (a) all or part of a former municipality, or
- (b) unorganized territory;

“previous year” means, in respect of a taxation year, the immediately preceding taxation year;

“taxation year” means a calendar year;

“uncapped taxes” means, in respect of a taxation year, the taxes for municipal and school purposes that would have been imposed for the year if Part IX of the Act had not applied.

(2) The tax rate for a taxation year for school purposes is the tax rate prescribed for that year under section 257.12 of the *Education Act*.

Application

2. This Regulation applies for the 2003 and subsequent taxation years.

PART II

DETERMINATION OF TAX RATES IF SUBSECTION 311 (7) OR 312 (7) OF THE ACT APPLIES

General tax rate if s. 311 (7) or 312 (7) of the Act applies

3. (1) This section provides for the manner in which the tax rates on property in a property class are to be determined under subsections 311 (7) and 312 (7) of the Act if the conditions set out in those subsections are satisfied.

(2) The tax rate for the general levy for the taxation year for the property class shall not exceed the sum of,

- (a) the maximum class rate for the year determined for the property class under section 8; and
- (b) the additional rate for the property class for the year that is determined under subsection (3) if,
 - (i) the municipality has calculated the tax rate for the property class pursuant to a regulation made under subsection 361 (11) of the Act, and
 - (ii) the property class is one of the commercial classes or industrial classes.

(3) The additional rate for a property class for a taxation year for the purposes of clause (2) (b) is determined in the following manner:

1. Determine the lowest rate that would raise an amount sufficient to fund rebates made under section 361 of the Act in respect of property in,
 - i. the commercial classes, if the property class is one of the commercial classes, or
 - ii. the industrial classes, if the property class is one of the industrial classes.
2. If the property class is one of the commercial classes, allocate to the property class the rate that will result in the rates on all the commercial classes being in the same proportion to one another as the tax ratios established under section 308 of the Act for the commercial classes.
3. If the property class is one of the industrial classes, allocate to the property class the rate that will result in the rates on all the industrial classes being in the same proportion to one another as the tax ratios established under section 308 of the Act for the industrial classes.
- (4) In this section, “commercial classes” and “industrial classes” have the meanings ascribed to those terms by subsection 308 (1) of the Act.

Municipal levy restriction thresholds

4. The following tax ratios are prescribed for the purposes of subsections 311 (7) and 312 (7) of the Act:
 1. 2.74 for the multi-residential property class.
 2. 1.98 for the commercial classes.
 3. 2.63 for the industrial classes.

Maximum tax ratios for 2003

5. (1) If section 8 of Ontario Regulation 171/01 applied to a property class in a municipality that was not an upper-tier or lower-tier municipality in 2002, the tax ratio established by the municipality under section 308 of the Act for the property class for 2003 shall not exceed the tax ratio calculated in the following manner:

1. Identify the general levy tax rate for the residential property class, as determined by the municipality for 2002 under section 368 of the Old Act.
2. Determine the increased residential tax rate by adding the tax rate identified in paragraph 1 and the rate for the special levy for the residential property class for 2002, as determined under section 8 of Ontario Regulation 171/01.

3. Divide the 2002 general levy tax rate for the property class that is subject to subsection 7 (2) of Ontario Regulation 171/01, as determined by the municipality for 2002 under section 368 of the Old Act, by the increased residential tax rate determined under paragraph 2.

(2) If section 8 of Ontario Regulation 171/01 applied to a property class in an upper-tier municipality in 2002, the tax ratio established by the municipality under section 308 of the Act for the property class for 2003 shall not exceed the tax ratio determined under the following rules:

1. Identify the general upper-tier levy tax rate for the residential property class, as determined by the municipality for 2002 under section 366 of the Old Act.
2. Identify the tax rate for the upper-tier special levy for the residential property class for 2002, as determined under section 8 of Ontario Regulation 171/01.
3. Multiply the upper-tier special levy tax rate determined under paragraph 2 by the upper-tier weighting factor determined under subsection (3).
4. Determine the increased tax rate for the residential property class by adding the tax rate identified in paragraph 1 and the product obtained under paragraph 3.
5. Divide the general upper-tier levy tax rate for the property class that is subject to subsection 7 (2) of Ontario Regulation 171/01, as determined by the municipality for 2002 under section 366 of the Old Act, by the increased tax rate for the residential property class determined under paragraph 4.

(3) The upper-tier weighting factor shall be determined in the following manner:

1. Determine the sum of the general levies for all property classes levied for upper-tier purposes in 2002 under section 366 of the Old Act.
2. Determine the sum of the general levies for all property classes levied for lower-tier purposes in 2002 under section 368 of the Old Act.
3. Add the amounts determined under paragraphs 1 and 2.
4. Divide the amount determined under paragraph 1 by the sum obtained under paragraph 3.

(4) For the purposes of paragraph 3 of subsection (1) and paragraph 5 of subsection (2), the general levy tax rate and general upper-tier levy tax rate for a property class that is subject to subsection 7 (2) of Ontario Regulation 171/01 excludes any additional rate for the property class referred to in clause 7 (2) (b) of that regulation.

Special levy for tax increase

6. (1) If, in 2003 or a subsequent taxation year, subsection 5 (1) or (2) or 7 (1) or (2) applies to a property class of the municipality, the municipality shall raise an amount by special levy equal to the amount by which its revenue was reduced by the application of that subsection to the property class.

(2) The special levy shall be raised under subsection 311 (4) or 312 (4) of the Act, as applicable, on all property that is not in a property class to which subsection 5 (1) or (2) or 7 (1) or (2) applies for the year.

Maximum tax ratios for 2004 and subsequent years

7. (1) If section 6 applied in the previous year, the tax ratio established by the municipality under section 308 of the Act for the property class for a taxation year after 2003 shall not exceed the tax ratio calculated in the following manner:

1. Identify the general levy tax rate for the residential property class, as determined by the municipality for the previous year under section 312 of the Act.
2. Determine the increased residential tax rate by adding the tax rate identified in paragraph 1 and the rate for the special levy for the residential property class for the previous year, as determined under section 6.
3. Divide the previous year's general levy tax rate for the property class that is subject to section 3, as determined by the municipality for the previous year under section 312 of the Act, by the increased residential tax rate determined under paragraph 2.

(2) If section 6 applied in the previous year, the tax ratio established by the municipality under section 308 of the Act for the property class for a taxation year after 2003 shall not exceed the tax ratio calculated in the following manner:

1. Identify the general upper-tier levy tax rate for the residential property class, as determined by the upper-tier municipality for the previous year under section 311 of the Act.
2. Identify the upper-tier special levy tax rate for the special levy for the residential class for the previous year, as determined under subsection 5 (2) or this subsection, whichever applied in the previous year.
3. Multiply the upper-tier special levy tax rate identified in paragraph 2 by the upper-tier weighting factor for the taxation year, as determined under subsection (3).

4. Determine the increased tax rate for the residential property class by adding the tax rate identified in paragraph 1 and the product obtained under paragraph 3.
5. Divide the previous year's general upper-tier levy tax rate for the property class that is subject to section 3, as determined by the municipality for the previous year under section 311 of the Act, excluding any additional rate calculated under subsection 3 (2), by the increased tax rate for the residential property that is determined under paragraph 4.
- (3) The upper-tier weighting factor for a taxation year shall be determined in the following manner:
 1. Determine the sum of the general levies for all property classes levied for upper-tier purposes for the year under section 311 of the Act.
 2. Determine the sum of the general levies for all property classes levied for lower-tier purposes for the year under section 312 of the Act.
 3. Add the amounts determined under paragraphs 1 and 2.
 4. Divide the amount determined under paragraph 1 by the sum obtained under paragraph 3.

Maximum tax rates and revenue limit for 2003 if s. 3 (2) applies

8. (1) If the tax rates for the general levy imposed for 2003 or a subsequent taxation year by a local municipality under section 312 of the Act or by an upper-tier municipality under section 311 of the Act would otherwise result in revenues that would exceed the revenue limit for the municipality for the year, as determined under subsection (2), the maximum property class tax rate for the year for a property class in the municipality to which subsection 3 (2) applies in the year shall be the rate determined as follows:

1. Determine the total weighted assessment for the municipality by adding the weighted assessments for all of the property classes in the municipality, as determined under subsection 12 (4).
2. For the general upper-tier levy or local municipal levy, determine the residential rate for the taxation year by dividing the revenue limit for the municipality, as determined under subsection (2) or (4), as the case may be, by the total weighted assessment for the municipality determined under paragraph 1.
3. The maximum property class tax rate for the taxation year for a property class in the municipality to which subsection 3 (2) applies is the product determined by multiplying the residential rate for the taxation year, determined under paragraph 2, by the tax ratio for the property class for the taxation year as determined under section 5 or 7, whichever applies for the year.
4. For the purposes of paragraph 3, the maximum tax ratio for a property class for a taxation year is the tax ratio determined for the year under section 5 or 7 or, in the case of a local municipality that is a lower-tier municipality, the tax ratio adopted by the upper-tier municipality for the taxation year.

(2) The revenue limit for an upper-tier or local municipality for 2003 shall be determined in the following manner:

1. Identify the general levy tax rate for each property class, as determined by the municipality for 2002 under section 366 or 368 of the Old Act.
2. Increase the tax rate determined under paragraph 1 by adding the special levy tax rate for the property class for 2002, if any, as determined under section 8 of Ontario Regulation 171/01.
3. Determine the revenue for 2003 for each property class by multiplying the tax rate for the property class, as determined under paragraph 2, by the sum of the assessments for all properties in the property class.
4. Determine the revenue limit for the municipality for 2003 by adding the revenue for 2003, as determined under paragraph 3, for all property classes in the municipality.

(3) For the purposes of subsection (2), the assessment for a property in a property class is the assessment for the property for 2002,

- (a) less the amount, if any, equal to the same percentage of the assessment as the percentage reduction, if any, under section 368.1 of the Old Act in the tax rate applicable to the property for 2002; and
- (b) after all adjustments to the assessment, if any, made under subsection 366 (2.1) or 368 (2.1) of the Old Act.

(4) The revenue limit for an upper-tier or local municipality for a taxation year after 2003 shall be determined in the following manner:

1. Identify the general levy tax rate for each property class, as determined by the municipality for the previous year under section 311 or 312 of the Act.
2. Increase the tax rate determined under paragraph 1 by adding the special levy tax rate for the property class for the previous year, if any, as determined under section 6.

3. Determine the revenue for the year for each property class by multiplying the tax rate for the property class, as determined under paragraph 2, by the sum of the assessments for all properties in the property class.
4. Determine the revenue limit for the municipality for the year by adding the revenue for the year, as determined under paragraph 3, for all property classes in the municipality.
- (5) For the purposes of subsection (4), the assessment for a property in a property class is the assessment for the property for the previous taxation year,
 - (a) less the amount, if any, equal to the same percentage of the assessment as the percentage reduction, if any, under section 313 of the Act in the tax rate applicable to the property for the year; and
 - (b) after all adjustments to the assessment, if any, made under subsection 311 (3) or 312 (3) of the Act.

PART III ADJUSTMENT TO TAXES — SUBSECTION 329 (1) OF THE ACT

Application of Part

9. This Part provides for the adjustments to be made under paragraph 3 of subsection 329 (1) of the Act for 2003 and subsequent taxation years in respect of changes in taxes for municipal purposes.

Levy change adjustment

10. (1) The amount determined under paragraph 2 of subsection 329 (1) of the Act for a taxation year in respect of a property shall be adjusted,

- (a) by increasing it by the amount determined for the year under subsection (2), if the amount determined under subsection (2) is positive; or
- (b) by decreasing it by the amount determined for the year under subsection (2), if the amount determined under subsection (2) is negative.

(2) The amount referred to in clauses (1) (a) and (b) for a taxation year is determined by multiplying the amount determined under paragraph 2 of subsection 329 (1) of the Act for the taxation year by the adjustment fraction calculated under subsection (3) for that year.

(3) The adjustment fraction for a taxation year shall be calculated using the formula,

$$\frac{A - B}{B}$$

in which,

“A” is the actual tax rate for the property for the taxation year, as described in section 11, and

“B” is the notional tax rate to raise the previous year’s levies for the property, as determined under section 12.

Actual tax rate for a taxation year

11. (1) For the purposes of subsection 10 (3), the actual tax rate for a property for a taxation year means the sum of each tax rate for the taxation year for municipal or school purposes applicable to property in the property class and local municipality the property is in.

(2) Despite subsection (1), a special local municipality levy or special upper-tier levy for a taxation year applicable to property in a property class shall be included as a tax rate in the calculation of the actual tax rate only if the levy applies to at least 50 per cent of the sum of the assessments of all properties in that property class.

Notional tax rate to raise the previous year’s levies

12. (1) For the purposes of subsection 10 (3), the notional tax rate to raise the previous year’s levies for a property means, in respect of a taxation year, the rate determined under the following rules for the property class and municipality the property is in:

1. For every general or special municipal levy for the previous year that applied to property in the municipality, determine the previous year’s levy amount under subsection (2).
2. Despite paragraph 1, only general or special levies that applied in the previous year to at least 50 per cent of the sum of the assessments for the taxation year for property in the property class in the municipality are included for the purposes of this subsection.
3. Determine the total weighted assessment for the municipality by adding the weighted assessment for the taxation year, as determined under subsection (4), for each property class to which the levy applied.
4. For each levy, determine the residential rate for the previous year by dividing the previous year’s levy amount, referred to in paragraph 1, by the total weighted assessment determined under paragraph 2.

5. For each levy, determine a class rate for each property class for the taxation year by multiplying the residential rate for the previous year, as determined under paragraph 4, by the tax ratio for the property class for the taxation year.
 6. For each property class, the notional tax rate to raise the previous year's levies is the sum of the class rates for the previous year, as determined under paragraph 5, for the property class and the tax rate for the taxation year for school purposes.
- (2) For the purposes of paragraph 1 of subsection (1), the previous year's levy amount shall be determined in the following manner:
1. Apply the tax rate for the previous year for each property class to the total assessment for property in the property class to which the levy applied, as determined under subsection (3).
 2. The previous year's levy amount is the sum of the amounts determined under paragraph 1 for the property classes.
- (3) For the purposes of paragraph 1 of subsection (2), the total assessment for property in a property class is determined by taking the sum of the assessments for the previous year for each property in the property class and adjusting the sum for the changes in assessment that would produce the changes in taxes referred to in,
- (a) paragraphs 2 and 3 of subsection 318 (6) of the Act, if the property class is not subject to Part IX of the Act; or
 - (b) paragraphs 2, 3, 5 and 6 of subsection 329 (2) of the Act, if the property class is subject to Part IX of the Act.
- (4) For the purposes of paragraph 2 of subsection (1), the weighted assessment for a taxation year for each property class to which the levy applies is calculated using the formula,

$$C \times D$$

in which,

"C" is the sum of the assessments for the taxation year for properties in the property class to which the levy applies,

"D" is the tax ratio for the property class for the taxation year.

(5) For the purposes of subsection (4), the assessment for a taxation year for a property in a property class shall be reduced by the same percentage of the assessment as the percentage reduction, if any, under section 313 of the Act in the tax rate applicable to the property for the taxation year.

Merged area deemed to be local municipality

13. If a municipal restructuring has occurred and tax rates for municipal purposes have been adopted for the taxation year pertaining exclusively to a merged area, the merged area shall be deemed to be a local municipality for the purposes of sections 10, 11 and 12 in respect of levies that apply only in the merged area.

Graduated tax rates

14. For the purposes of this Part, the tax rate for a property with respect to which a by-law under section 314 of the Act applies is the tax rate that would have applied if section 314 of the Act had not applied.

Previously unorganized territory

15. The following applies for the taxation year in which unorganized territory becomes part of a municipality and for the following two taxation years:

1. No account shall be taken of any adjustment made under paragraph 3 of subsection 447.68 (1) of the Old Act for 2002 and no adjustment shall be made under paragraph 3 of subsection 329 (1) of the Act in respect of changes in taxes for municipal purposes.
2. The property shall be deemed not to be part of the municipality for the purposes of this Part.

PART IV PRESCRIBED ADJUSTMENTS UNDER SECTION 330 OF THE ACT

No adjustment for changes in taxes for school purposes

16. No adjustment shall be made for the purposes of the following provisions of the Act in respect of changes in taxes for school purposes:

1. Subsection 330 (2).
2. Paragraph 2 of subsection 330 (4).
3. Paragraphs 2 and 6 of subsection 330 (8).

Adjustment for 2003 and subsequent years, various provisions

17. (1) This section applies for 2003 and subsequent taxation years for the purposes of subsection 330 (2), paragraph 2 of subsection 330 (4) and paragraph 2 of subsection 330 (8) of the Act.

(2) The amount of the adjustment to the taxes for a taxation year in respect of changes in taxes for municipal purposes shall be determined using the formula:

$$E \times \frac{1}{F+1}$$

in which,

“E” is the amount of uncapped taxes for the taxation year, and

“F” is the adjustment fraction for the taxation year determined under subsection 10 (3).

Adjustment, para. 6 of s. 330 (8) of the Act

18. (1) This section applies for 2003 and subsequent taxation years for the purposes of paragraph 6 of subsection 330 (8) of the Act.

(2) The amount determined under paragraph 5 of subsection 330 (8) of the Act in respect of the taxation year shall be adjusted,

- (a) by increasing it by the amount determined under subsection (3), if the amount determined under subsection (3) is positive; or
- (b) by decreasing it by the amount determined under subsection (3), if the amount determined under subsection (3) is negative.

(3) The amount referred to in clauses (2) (a) and (b) is the amount determined by multiplying the amount determined under paragraph 5 of subsection 330 (8) of the Act by the taxation year adjustment fraction determined under subsection 10 (3).

Taxes not to be lower than uncapped taxes

19. Despite subsection 330 (8) of the Act, if the taxes for municipal and school purposes for a taxation year, as determined under that subsection, are less than the uncapped taxes for the year, the taxes for municipal and school purposes for the year shall be equal to the uncapped taxes for the year.

Previously unorganized territory

20. The following applies for the taxation year in which unorganized territory becomes part of a municipality and for the following two taxation years:

1. No adjustment shall be made under any of the provisions of the Act listed in section 16 for the taxation year in which the unorganized territory becomes part of the municipality or for the following two taxation years.
2. Section 19 does not apply.
3. The property shall be deemed not to be part of the municipality for the purposes of this Part.

PART V MISCELLANEOUS

Special rule for assessments under ss. 33 and 34 of the *Assessment Act*

21. If an additional assessment is made under section 33 of the *Assessment Act* for a taxation year in relation to an improvement and, in relation to the same improvement, an additional assessment is made for the subsequent taxation year under section 34 of the *Assessment Act*, subsection 329 (7) of the *Municipal Act, 2001* shall not apply with respect to the additional assessment for the subsequent taxation year.

Special rule, eligible property under s. 331 of the Act

22. (1) None of the following properties that becomes taxable for municipal and school purposes in 2003 or a subsequent year is eligible property for the purposes of section 331 of the Act in the year the property becomes taxable:

1. Property of a municipal electricity utility as defined in section 88 of the *Electricity Act, 1998*.
2. Property acquired under a transfer order under subsection 34 (1) of the *Social Housing Reform Act, 2000*.
3. Property of a non-profit housing corporation referred to in subsection 13 (1) of the *Housing Development Act*.

(2) Property that would otherwise be eligible property only because of a change in classification from one class in the commercial classes to another class in the commercial classes or from one class in the industrial classes to another class in the industrial classes is not eligible property for the purposes of section 331 of the Act.

Certain payments in lieu of taxes deemed to be taxes

23. Payments in lieu of taxes made under subsections 4 (3) and (4) of the *Municipal Tax Assistance Act* in respect of property described in paragraphs 1, 2 and 3 of subsection 22 (1) of this Regulation shall be deemed to be taxes for municipal and school purposes for the purposes of sections 329 and 330 of the Act.

JANET ECKER
Minister of Finance

Dated on March 6, 2003.

13/03

ONTARIO REGULATION 74/03

made under the

EDUCATION ACT

Made: March 6, 2003
Filed: March 13, 2003

Amending O. Reg. 400/98
(Tax Matters — Tax Rates for School Purposes)

Note: Ontario Regulation 400/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 1 (1) of Ontario Regulation 400/98 is amended by striking out “subsection (2)” in the portion before paragraph 1 and substituting “subsections (2) and (3)”.

(2) Paragraph 2 of subsection 1 (1) of the Regulation is revoked and the following substituted:

2. 0.373 per cent per year for 2001 and 2002.
3. 0.335 per cent per year for 2003.

(3) Paragraph 2 of subsection 1 (2) of the Regulation is revoked and the following substituted:

2. 0.09325 per cent per year for 2001 and 2002.

(4) Section 1 of the Regulation is amended by adding the following subsection:

(3) The tax rate for school purposes for 2003 for property in the farm property class and the managed forests property class, as prescribed under the *Assessment Act*, is 0.08375 per cent of the assessed value of the property.

2. Section 2 of the Regulation is amended by adding the following subsection:

(6) For 2003, the annual tax rate for school purposes for the purposes of section 257.7 of the Act for a municipality set out in Table 13 for the pipeline property class is the tax rate in the column entitled “Pipeline Property Class” in the Table set out opposite the name of the municipality.

3. (1) Section 3 of the Regulation is amended by adding the following subsection:

(2.7) The tax rates set out in Table 14 are prescribed as the tax rates for school purposes for the purposes of section 257.7 of the Act for 2003 for the property classes prescribed under the *Assessment Act* in the territories set out in the Table.

(2) Subsection 3 (3) of the Regulation is amended by striking out “(2.5) and (2.6)” in the portion before paragraph 1 and substituting “(2.5), (2.6) and (2.7)”.

4. Section 9 of the Regulation is amended by adding the following subsection:

(7) For 2003, the annual tax rates for school purposes for the purposes of section 257.7 of the Act for a municipality set out in Table 13 are the following rates for the following classes of property:

1. For the commercial classes, the annual tax rate is the rate in the column entitled “Commercial Property Class” in the Table set out opposite the name of the municipality.

2. For the industrial classes, the annual tax rate is the rate in the column entitled "Industrial Property Class" in the Table set out opposite the name of the municipality.

5. The Regulation is amended by adding the following Tables:

TABLE 13

TAX RATES FOR BUSINESS PROPERTIES IN MUNICIPALITIES FOR 2003

Municipality	Tax Rate — Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe line Property Class
Alberton, Township of	0.01153885	0.01082568	0.05132495
Armour, Township of	0.01041853	0.00409721	0.00740306
Armstrong, Township of	0.01830750	0.02079374	0.01255019
Assiginack, Township of	0.01202920	0.00814339	
Atikokan, Township of	0.02906358	0.02140385	0.03027131
Baldwin, Township of	0.01328390	0.00551717	0.01220607
Barrie Island, Township of	0.00634010	0.01444787	
Barrie, City of	0.01822864	0.02032655	0.01328870
Belleville, City of	0.02312286	0.03026372	0.01576919
Billings, Township of	0.00966411	0.01424371	
Black River-Matheson, Township of	0.02589356	0.01809375	0.01040783
Blind River, Town of	0.02776623	0.02637413	0.01486282
Bonfield, Township of	0.01392781	0.01514040	0.00808828
Brant, County of	0.02262608	0.02953992	0.02003558
Brantford, City of	0.02262835	0.03156082	0.01594348
Brethour, Township of			0.02979236
Brockville, City of	0.02376009	0.03392761	0.01658834
Bruce Mines, Town of	0.01372292	0.01755636	0.00744535
Bruce, County of	0.01586307	0.02301182	0.01194898
Burk's Falls, Village of	0.01389305	0.01797216	0.01218552
Burpee and Mills, Township of	0.00747740		
Callander, Municipality of	0.01505980	0.01851026	0.01252394
Calvin, Township of	0.00773506	0.01757069	0.01156463
Carling, Township of	0.00726104	0.01159340	
Casey, Township of	0.00765824	0.03171447	
Central Manitoulin, Township of	0.00965790	0.01129020	
Chamberlain, Township of	0.00505600	0.00398160	0.01231043
Chapleau, Township of	0.01499596	0.01190577	
Chapple, Township of	0.00881947	0.00872972	0.05746142
Charlton and Dack, Municipality of	0.01593890	0.01533673	0.01201198
Chatham-Kent, Municipality of	0.02074322	0.03089728	0.01781212
Chisholm, Township of	0.00911156	0.00510120	
Cobalt, Town of	0.02426786		0.01455246
Cochrane Town of	0.02128434	0.01443275	0.00977070
Cockburn Island, Township of	0.01720229		
Coleman, Township of	0.01724394	0.03762397	0.01347851
Conmee, Township of	0.01902648	0.01364082	
Cornwall, City of	0.02482739	0.03379317	0.01804743
Dawson, Township of	0.02494781	0.00771705	0.03406351
Dorion, Township of	0.03334456		0.03124249
Dryden, City of	0.01810094	0.03246709	0.01566018
Dubreuilville, Township of	0.02062824	0.02981829	
Dufferin, County of	0.01532871	0.02489587	0.01031315

Municipality	Tax Rate — Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe line Property Class
Durham, Region of	0.01729741	0.02483850	0.01625565
Dymond, Township of	0.02502445	0.00175438	0.01049378
Ear Falls, Township of	0.02212025	0.03332929	0.02803488
East Ferris, Township of	0.01239053	0.01604024	0.02105809
Elgin, County of	0.01657160	0.03398089	0.01211651
Elliot Lake, City of	0.02759106	0.02845531	0.00955150
Emo, Township of	0.01585628	0.02270413	0.04516052
Englehart, Town of	0.01634070	0.02351195	0.02068808
Espanola, Town of	0.02107512	0.03863214	0.01877409
Essex, County of	0.01674744	0.02905078	0.02005959
Evanturel Township of	0.01262165	0.01001952	0.01341535
Fauquier-Strickland, Township of	0.01577708	0.00990071	0.00840289
Fort Frances, Town of	0.02547896	0.02258637	0.02139994
French River, Municipality of	0.01723604	0.02178357	
Frontenac, County of	0.02224256	0.02390303	
Gananoque, Separated Town of	0.02255423	0.03219802	0.01385170
Gauthier, Township of	0.01087016	0.00951580	
Gillies, Township of	0.01251214	0.00913380	
Gordon, Township of	0.01279903	0.00743526	
Gore Bay, Town of	0.01506877	0.01241651	
Greenstone, Municipality of	0.01733819	0.02462846	0.00383279
Grey, County of	0.02041873	0.02836812	0.01621322
Guelph, City of	0.02084987	0.02928298	0.02221798
Haileybury, Town of	0.01954135	0.02249337	0.00964939
Haldimand, County of	0.02083936	0.02862861	0.01977094
Haliburton, County of	0.01566596	0.01565195	
Halton, Region of	0.01623239	0.02314354	0.01385005
Hamilton, City of	0.02534236	0.02946139	0.01455976
Harley, Township of	0.01592432	0.02634583	
Harris, Township of	0.01712300	0.01219403	0.01423560
Hastings, County of	0.01319398	0.01715841	0.01305967
Hearst, Town of	0.01175623	0.01807157	0.00893544
Hilliard Township			0.03426411
Hilton Beach, Village of	0.01395817	0.01396500	
Hilton, Township of	0.01172726	0.00374522	
Hornepayne, Township of	0.01341474	0.01813676	
Hudson, Township of	0.01592586	0.01232147	0.00708534
Huron Shores, Municipality of	0.02085728	0.01510515	0.01390646
Huron, County of	0.01386027	0.01500232	0.00531790
Ignace, Township of	0.01790754	0.01119204	0.01244114
Iroquois Falls, Town of	0.02076276	0.02849679	0.00998227
James, Township of	0.03097699	0.01833329	
Jocelyn, Township of	0.01231726	0.00918098	
Johnson, Township of	0.01461700		0.00835698
Joly, Township of	0.01200797		
Kapuskasing, Town of	0.02277549	0.03234936	0.00967968
Kawartha Lakes, City of	0.01867929	0.02767729	0.02179841
Kearney, Town of	0.01019061	0.00786527	
Kenora, City of	0.01925686	0.03166329	0.01265274
Kerns, Township of	0.00831495		0.01058387

Municipality	Tax Rate — Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe line Property Class
Killarney, Municipality of	0.01091863	0.01368593	
Kingston, City of	0.02240816	0.03463981	0.01838916
Kirkland Lake, Town of	0.02896253	0.02528659	0.01253883
La Vallee, Township of	0.01318947	0.01736578	0.06132087
Laird, Township of	0.01561603	0.00900363	
Lake of The Woods, Township of	0.01413301		
Lambton, County of	0.02128445	0.03154906	0.01534570
Lanark, County of	0.01903940	0.03104435	0.02005905
Larder Lake, Township of	0.01672958	0.01038640	
Latchford, Town of	0.03024829	0.02059063	0.01206504
Leeds & Grenville, County of	0.01900382	0.03424416	0.01997740
Lennox and Addington, County of	0.02121051	0.03341423	0.01619593
London, City of	0.02696036	0.03269197	0.01934027
Macdonald, Meredith & Aberdeen, Additional Township of	0.01472700	0.01228900	0.01173645
Machar, Township of	0.01260343	0.00538031	0.00865434
Machin, Township of	0.01339071	0.00841006	0.01675003
Magnetawan, Municipality of	0.01080393	0.00768496	
Manitouwadge, Township of	0.02749526	0.03221475	
Marathon, Town of	0.02128508	0.03857607	
Markstay-Warren, Municipality of	0.01304219	0.00940570	0.03473800
Matachewan, Township of	0.02016734	0.03044213	
Mattawa, Town of	0.01575672	0.02330314	0.01279399
Mattawan, Township of	0.01579007	0.00309800	0.02516782
Mattice-Val Cote, Township of	0.02094019	0.02862423	0.00530096
McDougall, Township of	0.00793602	0.02082371	
McGarry, Township of	0.01394405	0.00435627	
McKellar, Township of	0.01028574	0.01137582	
McMurrich/Monteith, Township of	0.01351589	0.00424642	0.00131640
Michipicoten, Township of	0.02426623	0.01872929	
Middlesex, County of	0.01815313	0.02541411	0.01697323
Moonbeam, Township of	0.02573548	0.01186581	0.01303410
Moosonee, Town of	0.00821000	0.01445000	
Morley, Township of	0.01444504	0.00483046	0.06110487
Muskoka, District of	0.00982677	0.01161686	0.00578040
Naim and Hyman, Township of	0.02379894	0.02447045	0.03906735
Neebing, Municipality of	0.00808399		0.06059213
New Liskeard, Town of	0.03121392	0.02799507	0.01166147
Niagara, Region of	0.01802873	0.03169343	0.01554359
Nipigon, Township of	0.02817029	0.01700170	0.01914946
Nipissing, Township of	0.01401899	0.00280190	
Norfolk, County of	0.02145729	0.02792138	0.01862939
North Bay, City of	0.02376693	0.02343513	0.01296604
Northeastern Manitoulin & the Islands, Town of	0.01211599	0.01308534	
Northumberland, County of	0.02149776	0.03357449	0.01694492
O'Connor, Township of	0.01381992	0.01091202	
Oliver And Paipoonge, Township of	0.02035864	0.03040413	0.01869101
Opasatika, Township of	0.01185016	0.01349479	0.00654097
Orillia, City of	0.01983166	0.02686408	0.02367490
Ottawa, City of	0.02111924	0.02434085	0.01736676

Municipality	Tax Rate — Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe line Property Class
Owen Sound, City of	0.02041873	0.02836812	0.01621322
Oxford, County of	0.02212018	0.03168159	0.01321408
Papineau-Cameron, Township of	0.01165489	0.01953952	0.00716370
Parry Sound, Town of	0.01040402	0.00903652	0.01520908
Peel, Region of	0.01825042	0.02151155	0.01641233
Pelee, Township of	0.01644546	0.01004206	
Pembroke, City of	0.02203329	0.03397579	0.01220654
Perry, Township of	0.01166076	0.01003592	0.00843118
Perth, County of	0.01680424	0.02435653	0.01876613
Peterborough, City of	0.02328370	0.03497002	0.01454144
Peterborough, County of	0.01745204	0.02563009	0.01450144
Pickle Lake, Township of	0.00703838	0.00099918	
Plummer, Additional Township of	0.01405500	0.01692333	0.00966383
Powassan, Municipality of	0.01177146	0.01433768	0.01122233
Prescott and Russell, County of	0.01733804	0.02822630	0.01386436
Prescott, Separate Town of	0.02010697	0.03412146	0.01327956
Prince Edward, County of	0.01044370	0.02075440	0.00609361
Prince, Township of	0.01701747	0.01484144	
Quinte West, City of	0.02056411	0.02681512	0.01599803
Rainy River, Town of	0.02122131	0.02098156	0.02692544
Red Lake, Municipality of	0.02349599	0.02941951	
Red Rock, Township of	0.01775427	0.03541265	0.01556969
Renfrew, County of	0.02011652	0.03205616	0.01431701
Ryerson, Township of	0.01180035	0.01652800	
Sable-Spanish Rivers, Township of	0.01680010	0.01281840	
Sault Ste. Marie, City of	0.02112944	0.03055335	0.01712807
Schreiber, Township of	0.03220905		
Seguin, Township of	0.00811818	0.01400268	0.01367889
Shedden, Township of	0.01684752	0.01684752	
Shuniah, Township of	0.03031595	0.03694602	0.02973049
Simcoe, County of	0.01950711	0.03009579	0.01818230
Sioux Lookout, Municipality of	0.01649671	0.02659753	
Sioux Narrows-Nestors Falls, Township of	0.01385613	0.00917034	
Smiths Falls, Separated Town	0.02403131	0.03022637	0.01665046
Smooth Rock Falls, Town of	0.02498568	0.02525856	0.01203843
South Algonquin, Township of	0.00691640	0.00953822	
South River, Village of	0.01246395	0.00790067	0.00460660
St Joseph, Township of	0.00861430	0.01135658	
St Marys, Separated Town of	0.01535143	0.02835821	0.01666541
St Thomas, City of	0.02140708	0.03324383	0.01060538
St. Charles, Municipality of	0.01016477	0.05767121	0.02791990
Stormont, Dundas & Glengarry, County of	0.02229403	0.03145299	0.01442497
Stratford, City of	0.02459793	0.03141040	0.01386930
Strong, Township of	0.01053151	0.01215126	0.00798739
Sudbury, City of Greater	0.02115349	0.02924264	0.01508509
Sundridge Village of	0.01242420	0.01037683	0.00768318
Tarbutt and Tarbutt, Additional Township of	0.01524618	0.01723500	
Tehkummah, Township of	0.01295100	0.01041200	

Municipality	Tax Rate — Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe line Property Class
Temagami, Municipality of	0.02343569	0.03254850	0.01196640
Terrace Bay, Township of	0.02944404	0.03139067	
The Archipelago, Township of	0.00957009		
The North Shore, Township of	0.02940903	0.01932014	
Thessalon, Town of	0.01609419	0.01532966	0.00764172
Thornloe Village, of	0.01123000	0.02070447	
Thunder Bay, City of	0.02693808	0.03252869	0.01382397
Timmins, City of	0.02467821	0.03062767	0.02264766
Toronto, City of	0.02299733	0.02501734	0.01843759
Val Rita-Harty, Township of	0.01819076	0.01923279	0.00855498
Waterloo, Region of	0.02232400	0.02968823	0.01317219
Wellington, County of	0.01461710	0.02612564	0.02088748
West Nipissing, Municipality of	0.01605098	0.03401289	0.02222236
White River, Township of	0.02747184	0.02004172	
Whitestone, Municipality of	0.00911149	0.00877609	
Windsor, City of	0.01963909	0.03329223	0.01876892
York, Region of	0.01758765	0.02033891	0.01786748

TABLE 14

TAX RATES FOR BUSINESS PROPERTIES IN
UNATTACHED UNORGANIZED TERRITORIES FOR 2003

Territory	Tax Rate - Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe line Property Class
Nipissing, District of			
Timiskaming Board of Education	0.01435674		0.01415985
Nipissing Combined School Boards	0.01439500	0.02172868	0.02648770
Parry Sound, District of			
South River Township School Authority	0.01153664		
West Parry Sound Board of Education	0.00889579	0.00856680	
East Parry Sound Board of Education	0.01489479	0.02317260	0.01298757
Manitoulin, District of			
Manitoulin Locality Education	0.01107600	0.01045100	
Sudbury, District of			
Sudbury Locality Education	0.01906500	0.02600905	
Espanola Locality Education	0.01474412	0.00725019	
Chapleau Locality Education	0.00996800	0.01323149	
Foleyet DSA Locality Education	0.01064878		
Gogama DSA Locality Education	0.00828528		
Asquith Garvey DSA Locality Education	0.00525700	0.01104682	
Missarenda DSA Locality Education	0.00630456	0.00344662	
Timiskaming, District of			
Kirkland Lake Locality Education	0.02570700	0.03185848	0.01772706
Timiskaming Locality Education	0.02758133	0.03247167	0.01687400
Cochrane, District of			
Hearst Locality Education	0.01178900	0.00943380	0.00643335
Kap SRF and District Locality Education	0.01746500	0.00396600	0.00848530
Cochrane-Iroquois Falls Locality Education	0.01571200	0.02027136	0.00876870
James Bay Lowlands Locality Education	0.02092552		

Territory	Tax Rate - Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe line Property Class
Algoma, District of			
Sault Ste. Marie Locality Education	0.02492739	0.02663053	0.01479727
Thunder Bay, District of			
Allanwater DSA Locality Education	0.00062557		
Nipigon Red Rock Locality Education	0.00397279		0.01885525
Lake Superior Locality Education	0.02607040	0.02984675	
Lakehead Locality Education	0.01790274	0.03429833	0.02811702
Auden DSA Locality Education	0.00653100		
Armstrong DSA Locality Education	0.00736600		
Savant Lake DSA Locality Education	0.00816726		
Upsala DSA Locality Education	0.00825700	0.00416799	0.00334557
Rainy River, District of			
Fort Frances/Rainy River Locality Education (assessment roll numbers beginning with "5902")	0.01316900	0.01471558	
Fort Frances/Rainy River Locality Education (assessment roll numbers beginning with "5903")	0.00879075	0.00929328	
Mine Centre DSA Locality Education	0.00425756	0.00361400	
Atikokan Locality Education	0.02012046	0.02716246	0.07956714
Kenora, District of			
Summer Beaver DSA Locality Education	0.00239665		
Kenora Locality Education	0.01907300	0.01514932	0.02228662
Dryden Locality Education (assessment roll numbers beginning with "6060")	0.01165046	0.01616102	0.01988119
Keewatin-Patricia District Locality Education	0.01339171		
Dryden Locality Education (assessment roll numbers beginning with "6093")	0.01609000		0.01670843
Red Lake Locality Education	0.01263800	0.01793267	0.01912324
Dryden Locality Education (assessment roll numbers beginning with "6096")	0.01342253	0.00906001	0.02034146
Sturgeon Lake Locality Education	0.00594022		

JANET ECKER
Minister of Finance

Dated on March 6, 2003.

13/03

ONTARIO REGULATION 75/03

made under the

PROVINCIAL LAND TAX ACT

Made: March 6, 2003
Filed: March 13, 2003

Amending O. Reg. 439/98

(Tax Rates under Section 21.1 of the Act for 1998 and Subsequent Years)

Note: Ontario Regulation 439/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 2 (1) of Ontario Regulation 439/98 is amended by striking out "residential/farm property class" and substituting "residential property class".

(2) Subsection 2 (2) of the Regulation is amended by striking out “farmlands property class” and substituting “farm property class”.

2. The Regulation is amended by adding the following section:

4. (1) Despite subsection 2 (1), the tax rates set out in Table 3 to this Regulation are prescribed for 2003 for the territories set out in that Table for the residential property class and the multi-residential property class, as prescribed under the *Assessment Act*.

(2) Despite subsection 2 (2), the tax rate equal to 0.25 per cent of the tax rate for the residential property class set out opposite the name of a territory in Table 3 to this Regulation is prescribed for 2003 as the tax rate for that territory for the farm property class and the managed forests property class, as prescribed under the *Assessment Act*.

3. The Regulation is amended by adding the following Table:

TABLE 3

TAX RATES FOR THE RESIDENTIAL PROPERTY CLASS AND THE MULTI-RESIDENTIAL PROPERTY CLASS FOR 2003

Territory	Tax Rate — Expressed as a Fraction of Assessed Value	
	Residential Property Class	Multi-Residential Property Class
Nipissing, District of		
Timiskaming Board of Education	0.00260882	
Nipissing Combined School Boards	0.00138578	
Parry Sound, District of		
South River Township School Authority	0.00304614	
West Parry Sound Board of Education	0.00026702	
East Parry Sound Board of Education	0.00274363	
Manitoulin, District of		
Manitoulin Locality Education	0.00157830	
Sudbury, District of		
Sudbury Locality Education	0.00382542	
Espanola Locality Education	0.00472676	
Chapleau Locality Education	0.00130426	0.00292322
Foleyet DSA Locality Education	0.00062729	
Gogama DSA Locality Education	0.00020590	
Asquith Garvey DSA Locality Education	0.00163686	0.00101061
Timiskaming, District of		
Kirkland Lake Locality Education	0.00272632	
Timiskaming Locality Education	0.00272660	0.00415500
Cochrane, District of		
Kap SRF and District Locality Education	0.00239708	
Cochrane-Iroquois Falls Locality Education	0.00052485	
James Bay Lowlands Locality Education	0.00088113	
Algoma, District of		
Sault Ste. Marie Locality Education	0.00421895	0.02327568
Thunder Bay, District of		
Nipigon Red Rock Locality Education	0.00050892	
Lake Superior Locality Education	0.00121485	0.00787361
Lakehead Locality Education	0.00205460	
Auden DSA Locality Education	0.00019082	
Armstrong DSA Locality Education		0.00179170
Rainy River, District of		
Fort Frances/Rainy River Locality Education (assessment roll numbers beginning with “5902”)	0.00231745	
Fort Frances/Rainy River Locality Education (assessment roll numbers beginning with “5903”)	0.00166126	
Atikokan Locality Education	0.00090426	
Kenora, District of		
Summer Beaver DSA Locality Education		
Kenora Locality Education	0.00122213	
Dryden Locality Education (assessment roll numbers beginning with “6060”)	0.00147700	

Territory	Tax Rate — Expressed as a Fraction of Assessed Value	
	Residential Property Class	Multi-Residential Property Class
Dryden Locality Education (assessment roll numbers beginning with "6093")	0.00171996	
Red Lake Locality Education	0.00313839	
Dryden Locality Education (assessment roll numbers beginning with "6096")	0.00192010	0.00276846

JANET ECKER
Minister of Finance

Dated on March 6, 2003.

13/03

ONTARIO REGULATION 76/03

made under the

NORTHERN SERVICES BOARDS ACT

Made: March 12, 2003

Filed: March 13, 2003

Amending Reg. 737 of R.R.O. 1990
(Local Services Boards)

Note: Since the end of 2002, Regulation 737 has been amended by Ontario Regulations 69/03 and 70/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 21 (2) of Regulation 737 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(2) The boundaries of the Board area are those described in the Schedule.

(2) Section 21 of the Regulation is amended by adding the following Schedule:

SCHEDULE

All that parcel or tract of land in the geographic Townships of Fowler and Ware, and in the Dawson Road Lots, in the Territorial District of Thunder Bay and Province of Ontario, described as follows:

Beginning at the northeasterly corner of Lot 9, Concession 6, in the geographic Township of Fowler;

Thence southerly along the easterly limit of Lot 9, Concessions 6, 5 and 4, to a point being at the intersection of the said westerly limit with the northerly water's edge of Hawk Lake;

Thence in a southwesterly direction along the northerly water's edge of Hawk Lake to a point on the westerly limit of Lot 9, Concession 4, being at the intersection of the said westerly limit with the said northerly water's edge;

Thence southerly along the westerly limit of Lot 9, Concession 4, and the extension of the said westerly limit across Hawk Lake to the southwesterly corner of Lot 9, Concession 4;

Thence southerly along the easterly limit of Lot 10, Concessions 3, 2 and 1, to the southeasterly corner of Lot 10, Concession 1, in the said geographic Township of Fowler;

Thence easterly along the boundary between the Townships of Fowler and Ware to the northwesterly corner of Lot 3, Concession 8, in the geographic Township of Ware;

Thence southerly along the westerly limit of Lot 3, Concessions 8, 7 and 6, to the northeasterly corner of Lot 4, Concession 5;

Thence westerly along the northerly limit of Lots 4, 5 and 6, Concession 5, to the northwesterly corner of Lot 6, Concession 5;

Thence southerly along the westerly limit of the said Lot 6 to the line between the north and south halves of Lot 7, Concession 5;

Thence westerly along the line between the north and south halves of said Lot 7 to the westerly limit of the said lot;

Thence southerly along the westerly limit of Lot 7, Concessions 5 and 4, to the northerly limit of Mining Location 210T;

Thence easterly along the said northerly limit to the northeasterly corner of the said Mining Location;

Thence southerly along the easterly limit of Mining locations 210T and 214T to the southeasterly corner of Mining Location 214T;

Thence westerly along the southerly limit of said Mining Location 214T to the northwesterly corner of Lot 7, Concession 3;

Thence southerly along the westerly limit of Lot 7, Concessions 3 and 2, to the line between the north and south halves of Lot 7, Concession 2;

Thence easterly along the line between the north and south halves of said Lot 7 to the westerly limit of Lot 6, Concession 2;

Thence southerly along the westerly limit of the said Lot 6, Concession 2, to the southwesterly corner thereof;

Thence easterly along the southerly limit of the said Lot 6, Concession 2, to the northwesterly corner of Lot 5, Concession 1;

Thence southerly along the westerly limit of the said Lot 5, Concession 1, to the line between the north and south halves of Lot 5, Concession 1;

Thence easterly along the line between the north and south halves of Lots 5 and 4, Concession 1, to the westerly limit of Lot 3, Concession 1;

Thence southerly along the westerly limit of said Lot 3, Concession 1, to the southerly boundary of the geographic Township of Ware;

Thence westerly along the said boundary and the north boundary of the geographic Township of Oliver to the northwesterly corner of the said geographic Township of Oliver;

Thence in a general northerly direction following the high water mark along the easterly shore of Kaministiquia River to the intersection with the easterly production of the south limit of Lot 21, Concession A, in the Dawson Road Lots;

Thence westerly along the easterly production of the south limit of said Lot 21 across the Kaministiquia River and the road allowance along the westerly shore of Kaministiquia River to the southeast corner of said Lot 21;

Thence westerly along the southerly boundary of the said Dawson Road Lots to the intersection with the easterly limit of The King's Highway known as No. 17;

Thence northerly and northwesterly along the said easterly limit to the intersection with the easterly limit of Lot 32, Concession B, in the Dawson Road Lots;

Thence northerly along the easterly limit of said Lot 32 to the southerly limit of the allowance for road along the southerly shore of the Shebandowan River;

Thence northerly in a straight line across the said allowance for road, the said Shebandowan River and the allowance for road along the northerly shore of the said Shebandowan River to the point of intersection of the northerly limit of the allowance for road along the said northerly shore with the easterly limit of said Lot 32, Concession B;

Thence northerly along the said easterly limit to the northeasterly corner of said Lot 32;

Thence westerly along the northerly limits of Lots 32, 33, 34 and 35, Concession B, to the northwesterly corner of said Lot 35;

Thence westerly in a straight line across the allowance for road between Lots 35 and 36, Concession B, to the northeasterly corner of said Lot 36;

Thence westerly along the southerly limit of Lots 13 and 14, Concession 1, to the southwesterly corner of said Lot 14;

Thence northerly along the westerly limit of said Lot 14 to the northwesterly corner thereof;

Thence easterly along the northerly limit of Lots 14 and 13, Concession 1, to the northeasterly corner of said Lot 13;

Thence northerly in a straight line across the allowance for road between Concessions 1 and 2 to the southeasterly corner of Lot 13, Concession 2;

Thence northerly along the easterly limit of said Lot 13 to the northeasterly corner thereof;

Thence easterly along the southerly boundary of the geographic Township of Forbes to the southeasterly corner thereof;

Thence easterly along the easterly production of the southerly limit of Lot 16, Concession 1, in the Township of Forbes across the Kaministiquia River to the intersection with the high water mark along the easterly shore thereof;

Thence in a general northwesterly, northeasterly and southeasterly direction following the said water's edge to the intersection with the easterly production of the south limit of Lot 22, Concession 3, in the geographic Township of Fowler;

Thence westerly along the said easterly production across the Kaministiquia River and the road allowance along the westerly shore of Kaministiquia River to the southeast corner of said Lot 22, Concession 3;

Thence westerly along the southerly limits of Lots 22, 23 and 24, Concession 3, to the southwest corner of said Lot 24;

Thence northerly along the westerly limit of Lot 24, Concessions 3, 4, 5 and 6, to the northwesterly corner of the geographic Township of Fowler;

Thence easterly along the northerly limits of Lots 24, 23, 22, 21 and 20, Concession 6, to the northeasterly corner of Lot 20, Concession 6;

Thence easterly along the northerly boundary of the geographic Township of Fowler, across the road allowance along the westerly shore of Dog Lake, to its intersection with the westerly water's edge of Dog Lake;

Thence in a straight line across Dog Lake to the intersection of the northerly boundary of the geographic Township of Fowler with easterly water's edge of Dog Lake;

Thence easterly along the northerly boundary of the geographic Township of Fowler, across the road allowance along the easterly shore of Dog Lake, to the northwesterly corner of Lot 13, Concession 6;

Thence easterly along the northerly limits of Lots 13, 12 and 11, Concession 6, and the extension of the said northerly limits across Bolduc Lake to the northwesterly corner of Lot 10, Concession 6;

Thence easterly along the northerly limit of Lot 10, Concession 6 to the intersection with the road allowance along the westerly shore of a bay of Dog Lake;

Thence easterly along the northerly boundary of the geographic Township of Fowler, across the road allowance along the westerly shore of a bay of Dog Lake, to its intersection with the westerly water's edge of a bay of Dog Lake;

Thence in a straight line across a bay of Dog Lake to the intersection of the northerly boundary of the geographic Township of Fowler with easterly water's edge of a bay of Dog Lake;

Thence easterly along the northerly boundary of the geographic Township of Fowler, across the road allowance along the easterly shore of a bay of Dog Lake, to the northwesterly corner of Lot 9, Concession 6;

Thence easterly along the northerly limit of Lot 9, Concession 6, to the northeasterly corner of said Lot, being the place of beginning.

Saving and Excepting Silver Falls Provincial Park.

JIM WILSON

Minister of Northern Development and Mines

Dated on March 12, 2003.

13/03

ONTARIO REGULATION 77/03

made under the

COMMUNITY CARE ACCESS CORPORATIONS ACT, 2001

Made: March 12, 2003

Filed: March 13, 2003

Amending O. Reg. 33/02
(Community Care Access Corporations)

Note: Ontario Regulation 33/02 has not previously been amended.

1. Item 25 of the Table to Ontario Regulation 33/02 is amended by striking out "Etobicoke Community Care Access Centre/Centre d'accès aux soins communautaires d'Etobicoke" under Column 3 and substituting "Etobicoke and York Community Care Access Centre/Centre d'accès aux soins communautaires d'Etobicoke et de York".

2. This Regulation comes into force on April 1, 2003.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on March 12, 2003.

13/03

ONTARIO REGULATION 78/03

made under the

HIGHWAY TRAFFIC ACT

Made: March 12, 2003

Filed: March 14, 2003

Amending Reg. 619 of R.R.O. 1990
(Speed Limits)

Note: Regulation 619 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraph 4 of Part 3 of Schedule 4 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

City of Hamilton

4. That part of the King's Highway known as No. 5 in the City of Hamilton lying between a point situate at its intersection with the westerly limit of the King's Highway known as No. 8 and a point situate 1800 metres measured westerly from its intersection with the easterly limit of the King's Highway known as No. 6.

(2) Paragraph 1 of Part 5 of Schedule 4 to the Regulation is revoked and the following substituted:

City of Hamilton

1. That part of the King's Highway known as No. 5 in the City of Hamilton lying between a point situate 1800 metres measured westerly from its intersection with the easterly limit of the King's Highway known as No. 6 and a point situate 80 metres measured easterly from its intersection with the easterly limit of the King's Highway known as No. 6.

2. (1) Paragraph 9 of Part 3 of Schedule 11 to the Regulation is revoked and the following substituted:

Bruce – Municipality of South Bruce – Municipality of Brockton

9. That part of the King's Highway known as No. 9 in the County of Bruce lying between a point situate 265 metres measured northerly from its intersection with the centre line of the roadway known as Elora Road in the Municipality of South Bruce and a point situate 295 metres measured southerly from its intersection with the centre line of the roadway known as Industrial Road in the Municipality of Brockton.

(2) Paragraph 2 of Part 5 of Schedule 11 to the Regulation is revoked and the following substituted:**Bruce – Municipality of Brockton**

2. That part of the King's Highway known as No. 9 in the Municipality of Brockton in the County of Bruce lying between a point situate 295 metres measured southerly from its intersection with the centre line of the roadway known as Industrial Road and a point situate 230 metres measured westerly from its intersection with the centre line of the roadway known as Wallace Street in Walkerton.

3. Part 5 of Schedule 68 to the Regulation is amended by adding the following paragraph:**District of Sudbury – Municipality of French River**

3. That part of the King's Highway known as No. 64 in the Municipality of French River in the District of Sudbury beginning at a point situate 640 metres measured northerly from its intersection with the southerly limit of the King's Highway known as No. 535 and extending northerly for a distance of 600 metres.

4. Paragraph 3 of Part 5 of Schedule 105 to the Regulation is revoked and the following substituted:**Haliburton – Twp. of Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock**

3. That part of the King's Highway known as No. 118 in the Township of Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock in the County of Haliburton lying between a point situate 845 metres measured northerly from its intersection with the northerly limit of the King's Highway known as No. 121 and a point situate 950 metres measured northerly from its intersection with the centre line of the roadway known as Bayshore Acres Road.

FRANK F. KLEES
Minister of Transportation

Dated on March 12, 2003.

13/03

ONTARIO REGULATION 79/03

made under the

HIGHWAY TRAFFIC ACT

Made: March 12, 2003
Filed: March 14, 2003

Amending Reg. 604 of R.R.O. 1990
(Parking)

Note: Since the end of 2002, Regulation 604 has been amended by Ontario Regulation 9/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 10 of Appendix A to Regulation 604 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

6. That part of the King's Highway known as the Queen Elizabeth Way in the Town of Grimsby in The Regional Municipality of Niagara lying between a point situate 500 metres measured westerly from its intersection with the centre line of Christie Street and a point situate 500 metres measured easterly from its intersection with the centre line of Maple Avenue.

FRANK F. KLEES
Minister of Transportation

Dated on March 12, 2003.

13/03

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Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—04—05

ONTARIO REGULATION 80/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: March 3, 2003

Filed: March 17, 2003

Amending O. Reg. 558/91

(Specification of Communicable Diseases)

Note: Ontario Regulation 558/91 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 558/91 is amended by adding the following:

Transmissible Spongiform Encephalopathy, including,

- i. Creutzfeldt-Jakob Disease, all types
- ii. Gerstmann-Sträussler-Scheinker Syndrome
- iii. Fatal Familial Insomnia
- iv. Kuru

West Nile Virus Illness,

- i. West Nile Virus Fever
- ii. West Nile Virus Neurological Manifestations

2. This Regulation comes into force on May 1, 2003.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on March 3, 2003.

14/03

ONTARIO REGULATION 81/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: March 3, 2003

Filed: March 17, 2003

Amending O. Reg. 559/91

(Specification of Reportable Diseases)

Note: Ontario Regulation 559/91 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 559/91 is amended by adding the following:

Transmissible Spongiform Encephalopathy, including,

- i. Creutzfeldt-Jakob Disease, all types
- ii. Gerstmann-Sträussler-Scheinker Syndrome
- iii. Fatal Familial Insomnia
- iv. Kuru

West Nile Virus Illness,

- i. West Nile Virus Fever
- ii. West Nile Virus Neurological Manifestations

2. This Regulation comes into force on May 1, 2003.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on March 3, 2003.

14/03

ONTARIO REGULATION 82/03

made under the

ENVIRONMENTAL ASSESSMENT ACT

Made: March 5, 2003

Filed: March 17, 2003

Revoking O. Reg. 335/88

(Designation — KAM 1 Hydro-Electric Project)

1. Ontario Regulation 335/88 is revoked.

14/03

ONTARIO REGULATION 83/03

made under the

ONTARIO COLLEGE OF TEACHERS ACT, 1996

Made: August 28, 2002

Filed: March 19, 2003

Amending O. Reg. 345/96

(Appointments to Council)

Note: Ontario Regulation 345/96 has not previously been amended.

1. Section 1 of Ontario Regulation 345/96 is amended by adding the following subsections:

(2) The Lieutenant Governor in Council shall ensure that at least two members of the Council appointed under clause 4 (2) (b) of the Act are French speaking.

(3) Despite subsection (2), if there are fewer than two French-speaking members of the Council on the day that subsection comes into force, the Lieutenant Governor in Council shall appoint French-speaking persons to the Council, when vacancies occur after that day, until the requirements of subsection (2) are satisfied.

14/03

ONTARIO REGULATION 84/03

made under the

WASTE DIVERSION ACT, 2002

Made: March 19, 2003

Filed: March 20, 2003

USED TIRES

Interpretation

1. In this Regulation,

“tire” includes a part of a tire;

“used tires” means waste that consists of any of the following materials, or any combination of them:

- (a) used tires that have not been refurbished for road use,
- (b) tires that, for any reason, are not suitable for their intended purpose.

Designation

2. Used tires are prescribed as a designated waste for the purposes of the Act.

CHRIS STOCKWELL
Minister of the Environment

Dated on March 19, 2003.

14/03

ONTARIO REGULATION 85/03

made under the

WASTE DIVERSION ACT, 2002

Made: March 19, 2003

Filed: March 20, 2003

USED OIL MATERIAL

Interpretation

1. In this Regulation,

“empty container” means a container from which wastes and other materials have been removed using removal practices commonly used for those wastes and materials (such as pumping or pouring) and that contains less than 2.5 centimetres of waste and other materials on the bottom of the container;

“lubricating oil” means petroleum-derived or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other oil or fluid used for lubricating machinery or equipment;

“oil filter” means a spin-on filter or element-style filter that has been used to filter,

- (a) lubricating oil,
- (b) diesel fuel,
- (c) furnace oil used in a household, or
- (d) a coolant,

but does not include a gasoline filter or a filter with no significant metal content;

“used oil material” means waste that consists of any of the following materials, or any combination of them:

- (a) lubricating oil after it has been used for its intended purpose,
- (b) lubricating oil that is not suitable for its intended purpose,
- (c) an empty container, having a capacity of 30 litres or less, manufactured and used for the purpose of containing lubricating oil,
- (d) an oil filter after it has been used for its intended purpose.

Designation

2. Used oil material is prescribed as a designated waste for the purposes of the Act.

CHRIS STOCKWELL
Minister of the Environment

Dated on March 19, 2003.

14/03

ONTARIO REGULATION 86/03

made under the

HEALTH INSURANCE ACT

Made: March 19, 2003

Filed: March 21, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03 and 62/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 16 (5.1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

- (c) 2 per cent if the service is rendered on or after April 1, 2002 but before April 1, 2003.

2. Section 16 of the Regulation is revoked and the following substituted:

16. (1) The services rendered by dental surgeons that are prescribed as insured services are the services set out in Column 1 of Parts I, II and III of the schedule of dental benefits.

(2) It is a condition for the performance and for payment of the insured services set out in the schedule of dental benefits, that they be performed in a hospital by a dental surgeon who has been appointed to the dental staff by the hospital on the recommendation of the chief of the surgical staff and the agreement of the Medical Advisory Committee of the hospital.

(3) It is a condition for the performance and for payment of the insured services set out in Part II of the schedule of dental benefits that they be performed in conjunction with one or more of the insured services set out in Part I or III of that schedule.

(4) It is a condition for the performance and for payment of the insured services set out in Part III of the schedule of dental benefits that,

- (a) hospitalization is medically necessary; and
- (b) there is prior approval by the General Manager of the provision of the service.

(5) The amount payable by the Plan for a service set out in Column 1 of Part I, II or III of the schedule of dental benefits is the amount set out opposite the service in Column 2 where the service is performed by a dental surgeon or the amount set out opposite the service in Column 3 where the service is performed by an oral and maxillofacial surgeon.

(6) The following services are prescribed as insured services under the Plan:

1. All services rendered by a hospital in connection with dental surgical procedures not specified in subsection (1), (3) or (5).

(7) It is a condition for the performance and for payment of the insured services prescribed under subsection (6) that hospitalization is medically necessary.

(8) In this section,

“schedule of dental benefits” means the document published by the Ministry of Health and Long-Term Care titled “Schedule of Benefits — Dental Services under the *Health Insurance Act* (April 1, 2003)”.

(9) This section, as it read immediately before April 1, 2003, continues to apply with respect to payments for services rendered before April 1, 2003.

3. Schedules 13, 14 and 15 to the Regulation are revoked.

4. (1) Section 1 shall be deemed to have come into force on April 1, 2002.

(2) Sections 2 and 3 come into force on April 1, 2003.

14/03

ONTARIO REGULATION 87/03

made under the

HIGHWAY TRAFFIC ACT

Made: March 18, 2003

Filed: March 21, 2003

Amending O. Reg. 510/99

(Community Safety Zones)

Note: Since the end of 2002, Ontario Regulation 510/99 has been amended by Ontario Regulation 46/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 510/99 is amended by adding the following Schedule:

SCHEDULE 9

MUNICIPALITY OF NORTHERN BRUCE PENINSULA

1. (1) That part of the King's Highway known as No. 6 in the Municipality of Northern Bruce in the County of Bruce beginning at a point situate 405 metres measured southerly from its intersection with the centre line of the roadway known as Bruce Road 9 and extending northerly for a distance of 923 metres.

(2) This designation is effective 24 hours a day, seven days a week and every month of the year.

ROBERT W. RUNCIMAN
Minister of Public Safety and Security

Dated on March 18, 2003.

14/03

ONTARIO REGULATION 88/03

made under the

ONTARIO DRUG BENEFIT ACT

Made: March 19, 2003

Filed: March 21, 2003

Amending O. Reg. 201/96

(General)

Note: Ontario Regulation 201/96 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of “Formulary” in subsection 1 (1) of Ontario Regulation 201/96 is revoked and the following substituted:

“Formulary” means the Ministry of Health and Long-Term Care publication titled “Drug Benefit Formulary/Comparative Drug Index” (No. 38) dated January 30, 2003, including the amendments to the publication dated April 16, 2003;

2. This Regulation comes into force on April 16, 2003.

14/03

ONTARIO REGULATION 89/03

made under the

DRUG INTERCHANGEABILITY AND DISPENSING FEE ACT

Made: March 19, 2003

Filed: March 21, 2003

Amending Reg. 935 of R.R.O. 1990
(General)

Note: Regulation 935 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of “Formulary” in subsection 1 (1) of Regulation 935 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“Formulary” means the Ministry of Health and Long-Term Care publication titled “Drug Benefit Formulary/Comparative Drug Index” (No. 38) dated January 30, 2003, including the amendments to the publication dated April 16, 2003;

2. This Regulation comes into force on April 16, 2003.

14/03

ONTARIO REGULATION 90/03

made under the

ONTARIO DRUG BENEFIT ACT

Made: March 19, 2003

Filed: March 21, 2003

Amending O. Reg. 201/96
(General)

Note: Since the end of 2002, Ontario Regulation 201/96 has been amended by Ontario Regulation 88/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Clause 20.2 (3) (a) of Ontario Regulation 201/96 is revoked and the following substituted:

(a) the eligible person,

- (i) has an annual net income of less than \$16,018 and is single, or is no longer cohabiting with his or her spouse or same-sex partner because the spouse or partner is a person mentioned in paragraph 2, 5, 6 or 7 of subsection 2 (1), or
- (ii) cohabits with a spouse or same-sex partner and, together with his or her spouse or same-sex partner, has an annual net income of less than \$24,175; and

2. This Regulation comes into force on April 16, 2003.

14/03

ONTARIO REGULATION 91/03

made under the

COURTS OF JUSTICE ACT

Made: February 11, 2003
Approved: March 19, 2003
Filed: March 21, 2003

Amending O. Reg. 114/99
(Family Law Rules)

Note: Since the end of 2002, Ontario Regulation 114/99 has been amended by Ontario Regulation 56/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subrule 4 (10) of Ontario Regulation 114/99 is revoked and the following substituted:

CHANGE IN REPRESENTATION

(10) Except as subrule (10.1) provides, a party represented by a lawyer may, by serving on every other party and filing a notice of change in representation (Form 4),

- (a) change lawyers; or
- (b) appear without a lawyer.

EXCEPTION, CHILD PROTECTION CASE SCHEDULED FOR TRIAL

(10.1) In a child protection case that has been scheduled for trial or placed on a trial list, a party may act under clause (10) (b) only with the court's permission, obtained in advance by motion made with notice.

2. Subrule 10 (1) of the Regulation is amended by striking out "(Form 10)" and substituting "(Form 10, 33B or 33B.1)".

3. Rule 11 of the Regulation is amended by adding the following subrule:

CHILD PROTECTION, AMENDMENTS WITHOUT COURT'S PERMISSION

(2.1) In a child protection case, if a significant change relating to the child happens after the original document is filed,

- (a) the applicant may serve and file an amended application, an amended plan of care or both; and
- (b) the respondent may serve and file an amended answer and plan of care.

4. Subrule 14 (6) of the Regulation is amended by adding the following clause:

(e.1) in a child protection case;

5. Rule 16 of the Regulation is amended by adding the following subrule:

EVIDENCE OF RESPONDING PARTY

(4.1) In response to the affidavit or other evidence served by the party making the motion, the party responding to the motion may not rest on mere allegations or denials but shall set out, in an affidavit or other evidence, specific facts showing that there is a genuine issue for trial.

6. (1) Subrule 17 (1) of the Regulation is revoked and the following substituted:

CONFERENCES IN DEFENDED CASES

- (1) In each case in which an answer is filed,
 - (a) a judge shall conduct at least one case conference, except as subrule (1.1) provides; and
 - (b) a judge may conduct a settlement conference, a trial management conference or both.

EXCEPTION, CASE CONFERENCE OPTIONAL IN CHILD PROTECTION CASE

(1.1) In a child protection case, a case conference may be conducted if,

- (a) a party requests it; or
- (b) the court considers it appropriate.

(2) Subrule 17 (11) of the Regulation is revoked and the following substituted:

CASE CONFERENCE — MOTION TO CHANGE FINAL ORDER OR AGREEMENT

(11) Except in a child protection case, a motion for an order to change a final order or agreement under rule 15 shall not be heard before a case conference has been held.

(3) Rule 17 of the Regulation is amended by adding the following subrule:

CASE CONFERENCE BRIEF IN CHILD PROTECTION CASE

(13.0.1) In a child protection case, a case conference brief shall be served and filed only if a case conference is being held under subrule (1.1).

(4) Subrule 17 (24) of the Regulation is revoked and the following substituted:

SETTLEMENT CONFERENCE JUDGE CANNOT HEAR ISSUE

(24) A judge who conducts a settlement conference about an issue shall not hear the issue, except as subrule (25) provides.

EXCEPTION, CHILD PROTECTION CASE

(25) In a child protection case, if a finding that the child is in need of protection is made without a trial and a trial is needed to determine which order should be made under section 57 of the *Child and Family Services Act*, any judge who has not conducted a settlement conference on that issue may conduct the trial.

7. (1) Subrule 33 (1) of the Regulation is revoked and the following substituted:

TIMETABLE

(1) Every child protection case, including a status review application, is governed by the following timetable:

Step in the case	Maximum time for completion, from start of case
First hearing, if child has been apprehended	5 days
Service and filing of answers and plans of care	30 days
Temporary care and custody hearing	35 days
Settlement conference	80 days
Hearing	120 days

(2) Rule 33 of the Regulation is amended by adding the following subrule:

STATUS REVIEW

(6.1) A status review application under clause 64 (2) (a) or (b) of the *Child and Family Services Act* shall be served at least 30 days before the date the order for society supervision or society wardship expires.

(3) Clause 33 (7) (c) of the Regulation is revoked and the following substituted:

(c) an applicant's plan of care for a child shall be,

- (i) if the applicant is a children's aid society, in Form 33B, and
- (ii) if the applicant is not a children's aid society, in Form 33B.1;

(c.1) a respondent's answer and plan of care for a child shall be,

- (i) if the respondent is not a children's aid society, in Form 33B.1,
- (ii) if the respondent is a children's aid society, in Form 10 and Form 33B;

8. (1) Form 4 of the Regulation is revoked and the following substituted:

NOTICE OF CHANGE IN REPRESENTATION

Form 4: Notice of Change in Representation (page 2)

Court file number.....

NOTES:

1. *You must serve this notice on the lawyers for all of the other parties. If another party does not have a lawyer, you must serve it on the party. If you have been represented by a lawyer or other person who, because of this notice, is no longer going to represent you, you must also serve this notice on that lawyer or the other person who used to represent you.*
2. *You can serve by any method set out in rule 6 of the Family Law Rules, including mail, courier, and fax.*
3. *When you have served this notice, you must file it with the clerk of the court together with proof of service (form 6B). If you appeared without a lawyer and now you have chosen to be represented by a lawyer, you must attach that lawyer's consent to this notice.*
4. *If the case has been scheduled for trial, you must receive the court's permission to remove your lawyer and represent yourself.*

(2) Form 8B of the Regulation is revoked and the following substituted:

Form 8B

Courts of Justice Act

APPLICATION (CHILD PROTECTION AND STATUS REVIEW)



(Name of Court)

at _____
Court office address

Court File Number

**Form 8B: Application
(Child Protection and
Status Review)**

Applicant(s) (In most cases, the applicant will be a children's aid society.)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) (In most cases, a respondent will be a "parent" within the meaning of section 37 of the Child and Family Services Act.)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Children's Lawyer

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.

TO THE RESPONDENT(S):

A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

THE FIRST COURT DATE IS (date) AT a.m./p.m.
or as soon as possible after that time, at: (address)

If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an *Answer* (Form 10 — a blank copy should be attached), serve a copy on the children's aid society and all other parties and file a copy in the court office with an *Affidavit of Service* (Form 6B). **YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

Check this box if this
paragraph applies

☐

The children's aid society is also making a claim for child support. You **MUST** fill out a *Financial Statement* (Form 13 — a blank copy attached), serve a copy on the society and file a copy in the court office with an *Affidavit of Service* even if you do not answer this case.

Continued on other side. →

Form 8B: Application (Child Protection and Status Review) (page 2)

Court file number

WARNING: This case is subject to case management, which means that the case runs on a timetable. That timetable says that the following steps have to be finished by the following number of days from the start of this case:

Service and filing of answers and plans of care	30 days	Settlement conference	80 days
Temporary care & custody hearing	35 days	Hearing	120 days

You should consider getting legal advice about this case right away. If you cannot afford a lawyer, you may be able to get help from your local legal aid office. (See your telephone directory under *LEGAL AID*).

Date of issue

Clerk of the court

Continued on next page. →

THE CHILD(REN): *(List all children involved in this case.)*

Child's Full Legal Name	Birthdate	Age	Sex	Full Legal Name of Mother	Full Legal Name of Father	Child's Religion	Child's Native Status

CLAIM BY APPLICANT

NOTE: *If this case is an application for a status review or for access only, strike out paragraph 1 and go immediately to paragraph 2*

1. The applicant children's aid society asks the court to make a finding under Part III of the *Child and Family Services Act* that the child(ren) named in this application is/are in need of protection because:

(Check applicable box(es). In each checked paragraph, delete those portions of the text that are not relevant.)

- ☐ the child(ren) has/have suffered physical harm, inflicted by the person having charge of the child(ren) or caused by that person's
- ☐ failure to care for, provide for, supervise or protect the child(ren) adequately [subclause 37(2)(a)(i)].
- ☐ pattern of neglect in caring for, providing for, supervising or protecting the child(ren) [subclause 37(2)(a)(ii)].
- ☐ there is a risk that the child(ren) is/are likely to suffer physical harm inflicted by the person having charge of the child(ren) or caused by that person's
- ☐ failure to care for, provide for, supervise or protect the child(ren) adequately [subclause 37(2)(b)(i)].
- ☐ pattern of neglect in caring for, providing for, supervising or protecting the child(ren) [subclause 37(2)(b)(ii)].
- ☐ the child(ren) has/have been sexually molested or sexually exploited, by the person having charge of the child(ren) or by another person where the person having charge knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child(ren) [clause 37(2)(c)].
- ☐ there is a risk that the child(ren) is/are likely to be sexually molested or sexually exploited, by the person having charge of the child(ren) or by another person where the person having charge knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child(ren) [clause 37(2)(d)].
- ☐ the child(ren) require(s) medical treatment to cure, prevent or alleviate physical harm or suffering and the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, the treatment [clause 37(2)(e)].
- ☐ the child(ren) has/have suffered emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development and there are reasonable grounds to believe that the emotional harm suffered by the child(ren) results from the actions, failure to act or pattern of neglect on the part of the child(ren)'s parent or the person having charge of the child(ren) [clause 37(2)(f)].
- ☐ the child(ren) has/have suffered emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development and the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm [clause 37(2)(f.1)].
- ☐ there is a risk that the child(ren) is/are likely to suffer emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development resulting from the actions, failure to act or pattern of neglect on the part of the child(ren)'s parent or the person having charge of the child(ren) [clause 37(2)(g)].
- ☐ there is a risk that the child(ren) is/are likely to suffer emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development and that the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm [clause 37(2)(g.1)].

Continued on other side. →

Form 8B: Application (Child Protection and Status Review) (page 4)

Court file number

- ☐ the child(ren) suffer(s) from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child(ren)'s development and the child(ren)'s parent or the parent having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition [clause 37(2)(h)].
- ☐ the child(ren) has/have been abandoned [clause 37(2)(i)].
- ☐ the child(ren)'s parent has died or is unavailable to exercise his or her custodial rights over the child(ren) and has not made adequate provision for the child(ren)'s care and custody [clause 37(2)(i)].
- ☐ the child(ren) is/are in a residential placement and the child(ren)'s parent refuses or is unable or unwilling to resume the care and custody of the child(ren) [clause 37(2)(i)].
- ☐ the child(ren) is/are less than twelve years old and has/have killed or seriously injured another person or caused serious damage to another person's property; services or treatment are necessary to prevent a recurrence; and the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, those services or treatment [clause 37(2)(j)].
- ☐ the child(ren) is/are less than twelve years old and has/have, on more than one occasion, injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child(ren) or because of that person's failure or inability to supervise the child(ren) adequately [clause 37(2)(k)].
- ☐ the child(ren)'s parent is unable to care for the child(ren) and the child(ren) is/are brought before the court with the person's consent and, where the child(ren) is/are twelve years of age or older, with the child(ren)'s consent, to be dealt with under Part III of the *Child and Family Services Act* [clause 37(2)(l)].

2. The applicant asks for an order,

- ☐ that the child(ren) be placed with *(name of custodian)*
subject to the supervision of *(full legal name of supervising society)*

for a period of months, on the terms and conditions set out in the Appendix on page 6 of this Application form.
- ☐ that the child(ren) be made (a) ward(s) of *(full legal name of society)*

for a period of months.
- ☐ that the child(ren) be made (a) ward(s) of *(full legal name of society)*

for a period of months and then returned to *(name of custodian)*
subject to the supervision of *(full legal name of supervising society)*

for a period of months, on the terms and conditions set out in the Appendix on page 6 of this Application form.
- ☐ that the child(ren) be made (a) ward(s) of the Crown and placed in the care of *(full legal name of caretaker society)*
- ☐ that *(name of homemaker)*
be authorized to remain on the premises at *(address of premises where homemaker is placed)*

until *(date)*, or until the person who is entitled to custody of the child(ren) returns to care for the child(ren), whichever is sooner.
- ☐ relating to access, the details of which are as follows: *(Specify details of order to be sought, including any claim for a restraining order under section 80 of the Child and Family Services Act.)*
- ☐ relating to payment of support while the child(ren) is/are in care, the details of which are as follows:
- ☐ court costs.
- ☐ *(Other, specify:)*

Continued on next page. →

3. To the applicant's best knowledge, the child(ren)
- ☐ has/have never before been in the care of a society under an out-of-court agreement.
- ☐ has/have been in the care of a society under an out-of-court agreement. The details are as follows: *(Set out the number of times each child was in society care, when the care began and how long it lasted)*
4. To the applicant's best knowledge, the parties or the child(ren) ☐ have ☐ have not been in a court case before relating to the supervision, wardship (guardianship) or custody of or access to the child(ren). *(If you checked the first box, attach a summary of court cases — Form 8E.)*
5. The parties ☐ have ☐ have not made a written agreement dealing with any matter involved in this case. *(If you checked the first box, give date of agreement and indicate which of its terms are in dispute. Attach an additional page if you need more space.)*
6. The following is a brief statement of the facts upon which the applicant is relying in this application. *(Set out the facts in the numbered paragraphs. If you need more space, you may use the other side or attach a page, but you must date and sign each additional page.)*

Put a line through any blank space left on this page.

Date of signature

Signature

*If applicant is a children's aid society,
give office or position of person signing.*

Print or type name.

Continued on other side. →

Form 8B: Application (Child Protection and Status Review) (page 6)

Court file number

APPENDIX

The terms and conditions that the application proposes for the child(ren)'s supervision are as follows: *(Set out terms and conditions in numbered paragraphs. Omit this page if no supervision is sought.)*

(3) Form 17D of the Regulation is amended by striking out, in the note following item 19 in Part 4, "*If you have not made an offer to settle, you must make one here. If you do not have enough information about all the issues, you must make a partial offer on those issues for which you do have enough information.*"

(4) Form 33B of the Regulation is revoked and the following substituted:

Form 33B
Courts of Justice Act
PLAN OF CARE FOR CHILD(REN)

Court File Number

_____ (Name of Court)

at _____ Court office address

.....
Form 33B: Plan of
Care for Child(ren)
(Children's Aid Society)

Applicant(s) *[In most cases, the applicant will be a children's aid society.]*

Full legal name & address for service— street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)

Respondent(s) *[In most cases, a respondent will be a "parent" within the meaning of section 37 of the Child and Family Services Act.]*

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Children's Lawyer

Name & address of Children's Lawyer's agent for service (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.

Fill out only those paragraphs that apply and strike out others.

1. I am/We are (full legal name)
 and I am/we are (state your position with children's aid society)
2. The child(ren) in this case is/are:

Child's full legal name	Date of birth	Sex

3. ☐ After the court makes a finding that the child(ren) is/are in need of protection under Part III of the *Child and Family Services Act*, I/we ask the court to make an order.
- ☐ The court previously found on (date) that the child(ren) was/were in need of protection under Part III of the *Child and Family Services Act*, and the court made an order on (date)
 I/we now ask the court to make a further order.

The details of the order that I/we now ask the court to make are as follows: *(Give details of the order you now want the court to make. If you want the order to include any supervision by the children's aid society, give details of any terms and conditions of supervision.)*

Put a line through any blank space left on this page.

Continued on other side. →

Form 33B: Plan of Care for Child(ren) (page 2)

Court file number

-
4. The services that the family and child(ren) need and that will be provided are as follows: *(Give details of the service needed, who needs it and who will be providing it.)*
5. The children's aid society expects the respondent(s) to carry out certain conditions before it would feel that supervision or wardship of the child(ren) is no longer needed. Very serious consequences could result if those conditions are broken. These conditions are: *(Set out conditions and estimate the time needed to achieve them.)*

Put a line through any blank space left on this page.

Continued on next sheet. →

6. The child(ren) cannot be adequately protected while in the care of the respondent(s) because: *(State reasons.)*

7. The following efforts have been made in the past to protect the child(ren) while in the care of the respondent(s):
(Describe the efforts made. If no efforts were made, give explanation.)

8. The following efforts are planned to keep up the child(ren)'s contact with the respondent(s): *(Describe plans. Write "Nil" if there are no plans.)*

Put a line through any blank space left on this page.

Continued on other side. →

Form 33B: Plan of Care for Child(ren) (page 4)

Court file number

9. The children's aid society has removed the child(ren) from the care of the respondent(s) and intends to make this removal ☐ temporary.
- ☐ permanent, and the children's aid society ☐ has made ☐ is making the following efforts for the child(ren)'s long term, stable placement:

10. This plan of care was served on and its details explained to the respondent(s) and others named below:

Print name of person to whom this plan was explained	Print name of person who explained plan	Date of explanation

Put a line through any blank space left on this page.

Date of signature

Signature

Date of signature

Signature

Form 33B.1
Courts of Justice Act
ANSWER AND PLAN OF CARE

Court File Number

(Name of Court)

.....
**Form 33B.1: Answer and
Plan of Care**
**(Parties other than
Children's Aid Society)**

at

Court office address

Applicant(s)

Full legal name & address for service— street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service— street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Children's Lawyer

Name & address for service for Children's Lawyer's agent — street & number, municipality, postal code, telephone & fax numbers and e-mail address and name of person represented.

TO THE APPLICANTS:

If you are making a claim against someone who is not an applicant, insert the person's name and address here.

AND TO: (full legal name)....., an added respondent,
of (address for service of added party).....

You must complete, serve, file and update this form if any significant changes regarding the child(ren) occur after you sign this form.

If you are the applicant, then do not complete Part 2, Part 3 or Part 5 of this form.

I am/We are (full legal name(s))
and I am/We are (state your relationship to the child(ren)).....

Continued on other side. →

Form 33B.1: Answer and Plan of Care (Parties other than Children's Aid Society) (page 2)

Court file number.....

— PART 1 —

1. The child(ren) in this case is/are:

Child's Full Legal Name	Birthdate	Age	Sex	Full Legal Name of Mother	Full Legal Name of Father	Child's Religion	Child's Native Status

2. The following people have had the child(ren) in their care and custody during the past year:

Child's name	Name of other caregiver(s)	Period of time with caregiver(s) (d,m,y to d,m,y)

Continued on next sheet. →

— PART 2 —

3. If this is a child protection application, complete this Part, then go to Part 4. *(If this is a status review, complete part 3, then go to Part 4.)*

(Check applicable box(es).)

☐ I/We agree with the following facts in paragraph 6 of the application. *(Refer to the numbered paragraph(s) under paragraph 6 of the application.)*

☐ I/We disagree with the following facts in paragraph 6 of the application. *(Refer to the numbered paragraph(s) under paragraph 6 of the application.)*

NOTE: *If you intend to dispute the children's aid society's position at the temporary care and custody hearing, an affidavit in Form 14 MUST also be served on the parties and filed at court.*

(Attach an additional page and number it if you need more space.)

Continued on other side. →

Form 33B.1: Answer and Plan of Care (Parties other than Children's Aid Society) (page 4)

Court file number.....

— PART 3 —

4. If this is a status review, complete this Part, then go to Part 4. *(If this is a protection application, complete Part 2, then go to Part 4.)*

(Check applicable box(es).)

☐ I/We agree with the following facts in paragraph 6 of the application. *(Refer to the numbered paragraph(s) under paragraph 6 of the application.)*

☐ I/We disagree with the following facts in paragraph 6 of the application. *(Refer to the numbered paragraph(s) under paragraph 6 of the application.)*

(Attach an additional page and number it if you need more space.)

Continued on next sheet. →

Form 33B.1: Answer and Plan of Care (Parties other than Children's Aid Society) (page 5)

Court file number.....

— PART 4 —

5. What placement and terms of placement do you believe would be in the child(ren)'s best interests? *(You should include in your plan of care at least the following information. If your plan is not the same for a particular child, then complete a separate plan for that child.)*

- (a) Where will you live?
- (b) Who, if anyone, will live with you?
- (c) Where will the child(ren) live?
- (d) What school or daycare will the child(ren) attend?
- (e) What days and hours will the child(ren) attend school or daycare?
- (f) Are you enrolled in school or counselling?
- (g) If you are enrolled in counselling, where do you attend counselling?
- (h) What support services will you be using for the child(ren)?
- (i) Do you have support from your family?
- (j) If you have support from your family, who will help you and how will they help you?
- (k) What will the child(ren)'s activities be?
- (l) What will your source of income be?
- (m) Do you go to work or school?
- (n) If you go to work or school, what are the details, including the days and hours you work or go to school, and who will look after your child(ren) while you are there?

(a) State why you feel that this plan would be in the child(ren)'s best interests.

(Attach an additional page and number it if you need more space.)

Continued on other sheet. →

Form 33B.1: Answer and Plan of Care (Parties other than Children's Aid Society) (page 6) Court file number.....

6. These are the people who have information that would support my plan:

Name	Information

(Attach an additional page and number it if you need more space.)

Continued on next page. →

— PART 5 —

Claims by Respondent(s)*(Fill out a separate claim page for each person against whom you are making a claim(s).)***7. THIS CLAIM IS MADE AGAINST**☐ THE CHILDREN'S AID SOCIETY (OR OTHER APPLICANT)☐ AN ADDED PARTY, whose name is *(full legal name)*.....*(If you claim against an added party, make sure that the person's name appears on page 1 of this form.)***8. I ASK THE COURT THE FOLLOWING:***(Claims below include for temporary orders.)*

Claims relating to child protection	
40	<input type="checkbox"/> access
41	<input type="checkbox"/> lesser protection order
42	<input type="checkbox"/> return of child(ren) to my/our care
43	<input type="checkbox"/> place child(ren) into care of <i>(name)</i>
44	<input type="checkbox"/> children's aid society wardship for.....months
45	<input type="checkbox"/> society supervision of my/our child(ren)
30	<input type="checkbox"/> costs
50	<input type="checkbox"/> <i>(Other; specify:)</i>

Give details of the order that you want the court to make. *(Include the name(s) of the child(ren) for whom custody or access is claimed.)***IMPORTANT FACTS SUPPORTING MY/OUR CLAIMS(S)***(In numbered paragraphs, set out the facts that form the legal basis for your claim(s). Attach on additional page and number it if you need more space.)**Put a line through any space left on this page*_____
Date of signature_____
Signature_____
Date of signature_____
Signature

(5) Form 33C of the Regulation is amended by adding the following paragraph:

4.1 The following important events relating to the child(ren)'s best interests have occurred since the date this application began:

(6) Form 33D of the Regulation is amended,

(a) by striking out "*List the events that dealt with the concerns raised by the court when it made that order*" in paragraph 4; and

(b) by striking out "*If the order on which you all agree would remove the child(ren) from the care of the person who had the child(ren) before this status review started, explain why less disruptive options would not be enough to protect the child(ren)*" in paragraph 5.

(7) Form 34B of the Regulation is revoked and the following substituted:

Form 34B
Courts of Justice Act
NON-PARENT'S CONSENT TO ADOPTION BY SPOUSE

Court File Number

_____ (Name of court)

at _____ Court office address

**Form 34B: Non-Parent's
Consent to Adoption
by Spouse**

Applicant(s) *(The first letter of the applicant's surname may be used)*

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

Respondent(s) *(If there is a respondent, the first letter of the respondent's surname may be used)*

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

1. My name is *(full legal name)*
and I live in *(municipality & province)*.....
2. The applicant is my "spouse" within the meaning of Part VII of the *Child and Family Services Act*
3. I am not a "parent" of the child in this case within the meaning of Part VII of the *Child and Family Services Act*.
4. I consent to the adoption of: *(Give full legal name, date of birth, sex and birth registration number if known of person to be adopted. If this person is a Crown ward or was placed for adoption by a licensee or children's aid society, you may use an initial for the surname.)*

..... <i>Full legal name</i> <i>Date of birth</i> <i>Sex</i> <i>Birth registration number</i>
---------------------------------	-------------------------------	---------------------	---

by my spouse *(spouse's full legal name)*

_____ <i>Date of signatures</i>	_____ <i>Signature of non-parent</i>
	_____ <i>Signature of independent lawyer</i>

NOTE: This consent must be witnessed by an independent lawyer who is to provide an affidavit of execution and independent legal advice on the reverse side of this form. If the person giving this consent is less than 18 years old, the consent must also be accompanied by a certificate of the Children's Lawyer in Form 34J

Continued on other side. →

Form 34B: Non-Parent's Consent to Adoption by Spouse

(page 2)

Court file number.....

AFFIDAVIT OF EXECUTION AND INDEPENDENT LEGAL ADVICE

My name is (full legal name)

and I swear/affirm that the following is true:

1. I am a member of the Bar of (name of jurisdiction)
and I am not acting for any other person in this adoption case.
2. I explained to (non-parent's full legal name) about
 - ☐ the nature and effect of adoption under the law of Ontario;
 - ☐ the nature and effect of this consent;
 - ☐ the circumstances under which this consent may be withdrawn; and
 - ☐ the right to counselling.
3. After my explanation, he/she told me that he/she wanted to sign this consent.
4. I was present at and witnessed the signing of this consent.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
date
Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer,
justice of the peace, notary public or
commissioner for taking affidavits.)

9. (1) Subject to subsection (2), this Regulation comes into force on April 28, 2003.

(2) Subsection 8 (7) comes into force on the day this Regulation is filed.

RÈGLEMENT DE L'ONTARIO 91/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRESpris le 11 février 2003
approuvé le 19 mars 2003
déposé le 21 mars 2003modifiant le Règl. de l'Ont. 114/99
(Règles en matière de droit de la famille)

Remarque : Depuis la fin de 2002, le Règlement de l'Ontario 114/99 a été modifié par le Règlement de l'Ontario 56/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Le paragraphe 4 (10) du Règlement de l'Ontario 114/99 est abrogé et remplacé par ce qui suit :

CHANGEMENT DE REPRÉSENTATION

(10) Sous réserve du paragraphe (10.1), une partie représentée par un avocat peut, en signifiant à chacune des autres parties un avis de changement de représentation (formule 4) et en le déposant :

- a) soit changer d'avocat;
- b) soit se présenter sans avocat.

EXCEPTION, CAUSE PORTANT SUR LA PROTECTION D'UN ENFANT DONT LA DATE DE PROCÈS EST FIXÉE

(10.1) Dans une cause portant sur la protection d'un enfant dont la date de procès a été fixée ou qui a été inscrite au rôle, une partie ne peut agir en vertu de l'alinéa (10) b) qu'avec la permission du tribunal, obtenue à l'avance par voie de motion présentée avec préavis.

2. Le paragraphe 10 (1) du Règlement est modifié par substitution de «(formule 10, 33B ou 33B.1)» à «(formule 10)».

3. La règle 11 du Règlement est modifiée par adjonction du paragraphe suivant :

PROTECTION D'UN ENFANT : MODIFICATIONS SANS LA PERMISSION DU TRIBUNAL

(2.1) Dans une cause portant sur la protection d'un enfant, si un changement important concernant l'enfant intervient après le dépôt du document original :

a) d'une part, le requérant peut signifier et déposer une version modifiée de la requête ou du programme de soins ou des deux;

b) d'autre part, l'intimé peut signifier et déposer une version modifiée de la défense et du programme de soins.

4. Le paragraphe 14 (6) du Règlement est modifié par adjonction de l'alinéa suivant :

e.1) une motion présentée dans une cause portant sur la protection d'un enfant;

5. La règle 16 du Règlement est modifiée par adjonction du paragraphe suivant :

PREUVES DE LA PARTIE QUI RÉPOND À LA MOTION

(4.1) En réponse à l'affidavit ou à d'autres preuves signifiés par la partie qui présente la motion, la partie qui y répond ne peut se contenter de simples allégations ou dénégations. Elle doit exposer, dans un affidavit ou d'autres preuves, des faits précis qui montrent qu'il y a une question en litige véritable donnant matière à procès.

6. (1) Le paragraphe 17 (1) du Règlement est abrogé et remplacé par ce qui suit :

CONFÉRENCES DANS LES CAUSES CONTESTÉES

(1) Dans chaque cause dans laquelle une défense est déposée :

a) d'une part, le juge tient au moins une conférence relative à la cause, sous réserve du paragraphe (1.1);

b) d'autre part, le juge peut tenir une conférence en vue d'un règlement amiable, une conférence de gestion du procès ou les deux.

EXCEPTION, TENUE POSSIBLE D'UNE CONFÉRENCE RELATIVE À LA CAUSE PORTANT SUR LA PROTECTION D'UN ENFANT

(1.1) Dans une cause portant sur la protection d'un enfant, une conférence relative à la cause peut être tenue si, selon le cas :

a) une partie la demande;

b) le tribunal l'estime appropriée.

(2) Le paragraphe 17 (11) du Règlement est abrogé et remplacé par ce qui suit :

CONFÉRENCE RELATIVE À LA CAUSE — MOTION EN MODIFICATION D'UNE ORDONNANCE DÉFINITIVE OU D'UN ACCORD

(11) Sauf dans le cas d'une cause portant sur la protection d'un enfant, une motion visant à obtenir une ordonnance en modification d'une ordonnance définitive ou d'un accord présentée en vertu de la règle 15 ne doit pas être entendue avant la tenue d'une conférence relative à la cause.

(3) La règle 17 du Règlement est modifiée par adjonction du paragraphe suivant :

MÉMOIRE DE CONFÉRENCE RELATIVE À LA CAUSE PORTANT SUR LA PROTECTION D'UN ENFANT

(13.0.1) Dans une cause portant sur la protection d'un enfant, un mémoire de conférence relative à la cause ne doit être signifié et déposé que si une conférence relative à la cause est tenue en application du paragraphe (1.1).

(4) Le paragraphe 17 (24) du Règlement est abrogé et remplacé par ce qui suit :

COMPÉTENCE DU JUGE QUI TIENT LA CONFÉRENCE EN VUE D'UN RÈGLEMENT AMIABLE

(24) Sous réserve du paragraphe (25), le juge qui tient une conférence en vue d'un règlement amiable ne doit pas entendre la question en litige.

EXCEPTION, CAUSE PORTANT SUR LA PROTECTION D'UN ENFANT

(25) Dans une cause portant sur la protection d'un enfant, s'il est conclu sans procès que l'enfant a besoin de protection et si un procès est nécessaire pour décider quelle ordonnance devrait être rendue en application de l'article 57 de la *Loi sur les services à l'enfance et à la famille*, tout juge qui n'a pas tenu de conférence en vue d'un règlement amiable sur cette question peut diriger le procès.

7. (1) Le paragraphe 33 (1) du Règlement est abrogé et remplacé par ce qui suit :

CALENDRIER

(1) Chaque cause portant sur la protection d'un enfant, y compris une requête en révision de statut, est régie par le calendrier suivant :

Étape de la cause	Délai d'exécution maximal à compter de l'introduction de la cause
Première audience, si l'enfant a été amené	5 jours
Signification et dépôt des défenses et des programmes de soins	30 jours
Audience sur les soins et la garde temporaires	35 jours
Conférence en vue d'un règlement amiable	80 jours
Audience	120 jours

(2) La règle 33 du Règlement est modifiée par adjonction du paragraphe suivant :

RÉVISION DE STATUT

(6.1) La requête en révision de statut présentée en application de l'alinéa 64 (2) a) ou b) de la *Loi sur les services à l'enfance et à la famille* est signifiée au moins 30 jours avant la date d'expiration de l'ordonnance de surveillance ou de tutelle par la société.

(3) L'alinéa 33 (7) c) du Règlement est abrogé et remplacé par ce qui suit :

c) le programme de soins d'un enfant émanant du requérant est rédigé :

- (i) selon la formule 33B, si le requérant est une société d'aide à l'enfance,
- (ii) selon la formule 33B.1, si le requérant n'est pas une société d'aide à l'enfance;

c.1) la défense et le programme de soins d'un enfant émanant de l'intimé sont rédigés :

- (i) selon la formule 33B.1, si l'intimé n'est pas une société d'aide à l'enfance,
- (ii) selon la formule 10 et la formule 33B, si l'intimé est une société d'aide à l'enfance;

8. (1) La formule 4 du Règlement est abrogée et remplacée par ce qui suit :

Formule 4

Loi sur les tribunaux judiciaires

AVIS DE CHANGEMENT DE REPRÉSENTATION

Numéro de dossier du greffe

(Nom du tribunal)

.....
**Formule 4 : Avis de
 changement de
 représentation**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Avocat des enfants

Nom et adresse de la personne qui représente l'avocat(e) des enfants aux fins de signification (numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)) et nom de la personne représentée.

À TOUTES LES PARTIES ET À LEURS AVOCATS

DE (nom)

(Nom, adresse, numéros de téléphone et de télécopieur
et adresse électronique)

- ☐ J'ai choisi d'être représenté(e) par un avocat. Voir les précisions dans la boîte ci-contre. →
- ☐ J'ai choisi un nouvel avocat. Voir les précisions dans la boîte ci-contre. →
- ☐ J'ai décidé de me présenter au tribunal sans avocat. Les documents peuvent m'être signifiés à l'adresse figurant dans la boîte ci-contre. →
- ☐ J'ai obtenu la permission du tribunal de me faire représenter par une personne qui n'est pas un avocat. Voir les précisions dans la boîte ci-contre. →
- ☐ J'ai obtenu la permission du tribunal de me présenter en personne à un procès portant sur la protection d'un enfant. Les documents peuvent m'être signifiés à l'adresse figurant dans la boîte ci-contre. →

Date de la signature

Signature

Suite au verso →

Formule 4 : Avis de changement de représentation (page 2)

Numéro de dossier du greffe

REMARQUE :

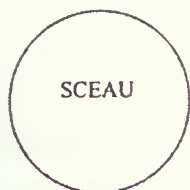
1. *Vous devez signifier le présent avis aux avocats de toutes les autres parties. Si une autre partie n'a pas d'avocat, vous devez le signifier à la partie. Si vous avez été représenté(e) par un avocat ou une autre personne qui, en raison du présent avis, ne vous représentera plus, vous devez également le lui signifier.*
2. *Vous pouvez procéder à la signification par toute méthode énoncée à la règle 6 des Règles en matière de droit de la famille, y compris par la poste, par messagerie et par télécopie.*
3. *Après avoir signifié le présent avis, vous devez le déposer auprès du greffier du tribunal accompagné d'une preuve de sa signification (formule 6B). Si vous vous êtes présenté(e) sans avocat et que vous avez maintenant choisi d'être représenté(e) par un avocat, vous devez joindre son consentement au présent avis.*
4. *Si la date du procès relative à la cause a été fixée, vous devez obtenir la permission du tribunal pour révoquer votre avocat et pour vous représenter vous-même.*

(2) La formule 8B du Règlement est abrogée et remplacée par ce qui suit :

Formule 8B

Loi sur les tribunaux judiciaires

REQUÊTE (PROTECTION D'UN ENFANT ET RÉVISION DE STATUT)



situé(e) au

(Nom du tribunal)

Adresse du greffe

Numéro de dossier du greffe

Formule 8B : Requête
(protection d'un enfant
et révision de statut)

Requérant(e)(s) (Dans la plupart des causes, le/la requérant(e) sera une société d'aide à l'enfance.)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
---	--

Intimé(e)(s) (Dans la plupart des causes, l'intimé(e) sera un « père » ou une « mère » au sens de l'article 37 de la Loi sur les services à l'enfance et à la famille.)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Avocat des enfants

Nom et adresse de la personne qui représente l'avocat(e) des enfants aux fins de signification (numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)) et nom de la personne représentée
--

À L'AUX INTIMÉ(E)(S) :

UNE CAUSE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT CE TRIBUNAL. LES PRÉCISIONS À CE SUJET FIGURENT SUR LES PAGES CI-JOINTES.

LA PREMIÈRE DATE D'AUDIENCE EST FIXÉE AU (date) À (heure)
ou dès que possible par la suite au : (adresse)

Si un avis de motion vous a également été signifié, une date d'audience antérieure peut être fixée et vous ou votre avocat devriez vous présenter au tribunal pour l'audition de la motion.

SI VOUS DÉSIREZ VOUS OPPOSER À UNE DEMANDE DANS CETTE CAUSE, vous ou votre avocat devez préparer une *Défense* (formule 10 - un exemplaire devrait être joint), en signifier une copie à la société d'aide à l'enfance et à toutes les autres parties et en déposer une copie au greffe, accompagnée d'un *Affidavit de signification* (formule 6B). VOUS NE DISEPOSEZ QUE DE 30 JOURS APRÈS QUE LA PRÉSENTE REQUÊTE VOUS EST SIGNIFIÉE (60 JOURS SI ELLE VOUS EST SIGNIFIÉE À L'EXTÉRIEUR DU CANADA OU DES ÉTATS-UNIS) POUR SIGNIFIER ET DÉPOSER UNE DÉFENSE. SI VOUS NE LE FAITES PAS, LA CAUSE SE POURSUIVRA SANS VOUS ET LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE ET L'EXÉCUTER CONTRE VOUS.

Cochez la case
ci-contre s'il y a lieu

☐

La société d'aide à l'enfance demande également des aliments pour les enfants. Vous DEVEZ remplir un *État financier* (formule 13 - un exemplaire est joint), en signifier une copie à la société et en déposer une copie au greffe, accompagnée d'un *Affidavit de signification*, même si vous ne présentez pas de défense dans cette cause.

Suite au verso →

Formule 8B : Requête (protection d'un enfant et révision de statut) (page 2)

Numéro de dossier du greffe

AVERTISSEMENT : Les règles de gestion des causes s'appliquent à cette cause, qui est donc régie par un calendrier. D'après ce calendrier, les étapes suivantes doivent être menées à bien dans les délais indiqués à compter de l'introduction de la cause :

Signification et dépôt des défenses et des programmes de soins..... 30 jours

Conférence en vue d'un règlement amiable... 30 jours

Audience sur les soins et la garde temporaires..... 35 jours

Audience..... 120 jours

Vous devriez songer à obtenir des conseils juridiques au sujet de cette cause immédiatement. Si vous n'avez pas les moyens de payer un avocat, le bureau d'aide juridique de votre localité pourra peut-être vous aider. (Consultez l'annuaire téléphonique sous la rubrique AIDE JURIDIQUE).

Date de délivrance_____
Greffier du tribunal

Suite à la page suivante →

ENFANT(S) : (Énumérez tous les enfants concernés dans cette cause.)

Nom et prénom officiels de l'enfant	Date de naissance	Âge	Sexe	Nom et prénom officiels de la mère	Nom et prénom officiels du père	Religion de l'enfant	Statut de l'enfant autochtone

DEMANDE DU/DE LA REQUÉRANT(E)

REMARQUE : S'il s'agit d'une requête en révision de statut, biffez le point 1 et passez immédiatement au point 2.

1. La société d'aide à l'enfance demande au tribunal de faire une constatation aux termes de la partie III de la Loi sur les services à l'enfance et à la famille selon laquelle l'enfant ou les enfants nommés dans la présente requête ont besoin de protection pour les raisons suivantes :

(Cochez la ou les cases appropriées, en biffant dans chaque paragraphe coché les parties du texte qui ne sont pas pertinentes.)

- ☐ l'enfant ou les enfants ont subi des maux physiques infligés par la personne qui en est responsable ou causés par :
- ☐ le défaut de cette personne de leur fournir des soins, de subvenir à leurs besoins, de les surveiller ou de les protéger [sous-alinéa 37(2)a)(i)]
- ☐ la négligence habituelle de cette personne pour ce qui est de leur fournir des soins, de subvenir à leurs besoins, de les surveiller ou de les protéger [sous-alinéa 37(2)a)(ii)].
- ☐ l'enfant ou les enfants risquent vraisemblablement de subir des maux physiques infligés par la personne qui en est responsable ou causés par :
- ☐ le défaut de cette personne de leur fournir des soins, de subvenir à leurs besoins, de les surveiller ou de les protéger [sous-alinéa 37(2)b)(i)].
- ☐ la négligence habituelle de cette personne pour ce qui est de leur fournir des soins, de subvenir à leurs besoins, de les surveiller ou de les protéger [sous-alinéa 37(2)b)(ii)].
- ☐ l'enfant ou les enfants ont subi une atteinte aux mœurs ou ont été exploités sexuellement par la personne qui en est responsable ou par une autre personne et la personne qui en est responsable sait ou devrait savoir qu'il existe des dangers d'atteinte aux mœurs ou d'exploitation sexuelle et ne les protège pas [alinéa 37(2)c)].
- ☐ l'enfant ou les enfants risquent vraisemblablement de subir une atteinte aux mœurs ou d'être exploités sexuellement par la personne qui en est responsable ou par une autre personne et la personne qui en est responsable sait ou devrait savoir qu'il existe des dangers d'atteinte aux mœurs ou d'exploitation sexuelle et ne les protège pas [alinéa 37(2)d)].
- ☐ l'enfant ou les enfants ont besoin d'un traitement médical en vue de guérir, de prévenir ou de soulager des maux physiques ou leur douleur, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas le traitement, refuse ou n'est pas en mesure de donner son consentement à ce traitement, ou n'est pas disponible pour le faire [alinéa 37(2)e)].
- ☐ l'enfant ou les enfants ont subi des maux affectifs qui se traduisent par un grave sentiment d'angoisse, un état dépressif grave, un fort repliement sur soi, un comportement autodestructeur ou agressif marqué ou un important retard dans leur développement, et il existe des motifs raisonnables de croire que les maux affectifs qu'ils ont subis résultent des actes, du défaut d'agir ou de la négligence habituelle de leur père ou de leur mère ou de la personne qui en est responsable [alinéa 37(2)f)].
- ☐ l'enfant ou les enfants ont subi des maux affectifs qui se traduisent par un grave sentiment d'angoisse, un état dépressif grave, un fort repliement sur soi, un comportement autodestructeur ou agressif marqué ou un important retard dans leur développement, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas des services ou un traitement afin de remédier à ces maux ou de les soulager, refuse ou n'est pas en mesure de donner son consentement à ce traitement ou ces services, ou n'est pas disponible pour le faire [alinéa 37(2)g)].
- ☐ l'enfant ou les enfants risquent vraisemblablement de subir des maux affectifs qui se traduisent par un grave sentiment d'angoisse, un état dépressif grave, un fort repliement sur soi, un comportement autodestructeur ou agressif marqué ou un important retard dans leur développement, qui résultent des actes, du défaut d'agir ou de la négligence habituelle de leur père ou de leur mère ou de la personne qui en est responsable [alinéa 37(2)g)].
- ☐ l'enfant ou les enfants risquent vraisemblablement de subir des maux affectifs qui se traduisent par un grave sentiment d'angoisse, un état dépressif grave, un fort repliement sur soi, un comportement autodestructeur ou agressif marqué ou un important retard dans leur développement, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas des services ou un traitement afin de prévenir ces maux, refuse ou n'est pas en mesure de donner son consentement à ce traitement ou ces services, ou n'est pas disponible pour le faire [alinéa 37(2)g 1)].

Suite au verso →

Formule 8B : Requête (protection d'un enfant et révision de statut) (page 4)

Numéro de dossier du greffe

- ☐ l'état mental ou affectif ou de développement de l'enfant ou des enfants risque, s'il n'y est pas remédié, de porter gravement atteinte à leur développement, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas un traitement afin de remédier à cet état ou de le soulager, refuse ou n'est pas en mesure de donner son consentement à ce traitement, ou n'est pas disponible pour le faire [alinéa 37(2)h)].
- ☐ l'enfant ou les enfants ont été abandonnés [alinéa 37(2)i)].
- ☐ le père ou la mère de l'enfant ou des enfants est décédé ou ne peut pas exercer ses droits de garde sur eux et n'a pas pris de mesures suffisantes relativement à leur garde et aux soins à leur fournir [alinéa 37(2)i)].
- ☐ l'enfant ou les enfants sont placés dans un établissement et leur père ou leur mère refuse d'en assumer à nouveau la garde et de leur fournir des soins, n'est pas en mesure de le faire ou n'y consent pas [alinéa 37(2)i)].
- ☐ l'enfant ou les enfants ont moins de 12 ans et ont tué ou gravement blessé une autre personne ou ont causé des dommages importants aux biens d'une autre personne et doivent subir un traitement ou recevoir des services pour empêcher la répétition de ces actes, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas ce traitement ou ces services, refuse ou n'est pas en mesure de donner son consentement à ce traitement ou ces services, ou n'est pas disponible pour le faire [alinéa 37(2)j)].
- ☐ l'enfant ou les enfants ont moins de 12 ans et ont, à plusieurs reprises, blessé une autre personne ou causé une perte ou des dommages aux biens d'une autre personne, avec l'encouragement de la personne qui en est responsable ou en raison du défaut ou de l'incapacité de cette personne de les surveiller convenablement [alinéa 37(2)k)].
- ☐ le père ou la mère de l'enfant ou des enfants n'est pas en mesure de leur fournir des soins et ils sont amenés devant le tribunal avec le consentement de leur père ou de leur mère, et, s'ils sont âgés de 12 ans ou plus, avec leur propre consentement, afin d'être traités comme le prévoit la partie III de la *Loi sur les services à l'enfance et à la famille* [alinéa 37(2)l)].

2. Le/la requérant(e) demande une ordonnance :

- ☐ pour que l'enfant ou les enfants soient placés chez (*nom du gardien*)
sous la surveillance de (*raison sociale de la société chargée de la surveillance*)
pendant mois, aux conditions énoncées à l'annexe figurant à la page 6 de la présente formule de requête.
- ☐ pour que l'enfant ou les enfants deviennent des pupilles de (*raison sociale de la société*)
pendant mois.
- ☐ pour que l'enfant ou les enfants deviennent des pupilles de (*raison sociale de la société*)
pendant mois, puis qu'ils soient retournés chez (*nom du gardien*)
sous la surveillance de (*raison sociale de la société chargée de la surveillance*)
pendant mois, aux conditions énoncées à l'annexe figurant à la page 6 de la présente formule de requête.
- ☐ pour que l'enfant ou les enfants deviennent des pupilles de la Couronne et soient confiés aux soins de (*raison sociale de la société chargée d'assurer les soins*)
- ☐ pour que (*nom de l'aide familiale*)
soit autorisée à rester dans les locaux situés au (*adresse des locaux où l'aide familiale est placée*)
jusqu'au (*date*) ou jusqu'à ce que la personne qui a droit à la garde de l'enfant ou des enfants revienne prendre soin d'eux, selon la première de ces éventualités.
- ☐ pour que soit accordé le droit de visite, selon les modalités suivantes : (*Donnez des précisions sur l'ordonnance demandée, y compris toute demande d'ordonnance de ne pas faire visée à l'article 80 de la Loi sur les services à l'enfance et à la famille.*)
- ☐ pour que soient versés des aliments pendant que l'enfant ou les enfants reçoivent des soins, selon les modalités suivantes :
- ☐ pour que soient accordés des dépens.
- ☐ (*Autre, précisez.*)

Suite à la page suivante →

3. Au mieux de la connaissance du/de la requérant(e), l'enfant ou les enfants
☐ n'ont jamais été confiés aux soins d'une société aux termes d'un accord extrajudiciaire.
☐ ont été confiés aux soins d'une société aux termes d'un accord extrajudiciaire. Précisez : *(Indiquez le nombre de fois que chaque enfant a été confié aux soins d'une société, le moment où les soins ont débuté et la durée des soins.)*
4. Au mieux de la connaissance du/de la requérant(e), les parties ou l'enfant ou les enfants ☐ ont déjà ☐ n'ont jamais pris part à une cause judiciaire portant sur leur suveillance, leur tutelle ou leur garde ou le droit de visite à leur égard. *(Si vous avez coché la première case, joignez un résumé de la cause - formule 8E.)*
5. Les parties ☐ ont ☐ n'ont pas conclu d'accord écrit au sujet d'une question soulevée dans cette cause. *(Si vous avez coché la première case, indiquez la date de l'accord et les conditions de celle-ci qui sont en litige. Joignez des pages supplémentaires au besoin.)*
6. Voici un bref résumé des faits sur lesquels la société se fonde dans la présente requête.
(Énoncez les faits sous forme de paragraphes numérotés. Au besoin, joignez des pages supplémentaires, mais assurez-vous de dater et de signer chacune d'elles.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Date de la signature

Signature

Si le/la requérant(e) est une société d'aide à l'enfance, indiquez la charge ou le poste du/de la signataire.

Ecrivez le nom en caractères d'imprimerie ou dactylographiez-le.

Suite au verso →

Formule 8B : Requête (protection d'un enfant et révision de statut) (page 6)

Numéro de dossier du greffe

ANNEXE

Les conditions que le/la requérant(e) envisage pour la surveillance de l'enfant ou des enfants sont les suivantes : (*Énoncez les conditions sous forme de paragraphes numérotés. Ne rien écrire sur cette page si aucune surveillance n'est demandée.*)

(3) La formule 17D du Règlement est modifiée par suppression de «*Si vous n'avez pas présenté d'offre de règlement, vous devez en présenter une ici. Si vous n'avez pas suffisamment de renseignements au sujet de toutes les questions en litige, vous devez présenter une offre partielle sur les questions en litige au sujet desquelles vous avez suffisamment de renseignements.*» dans la remarque qui suit le numéro 19 de la section 4.

(4) La formule 33B du Règlement est abrogée et remplacée par ce qui suit :

Formule 33B

Loi sur les tribunaux judiciaires

PROGRAMME DE SOINS D'UN OU DE PLUSIEURS ENFANTS

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 33B : Programme de
soins d'un ou de plusieurs enfants
(société d'aide à l'enfance)

Requérant(e)(s) [Dans la plupart des causes, le/la requérant(e) sera une société d'aide à l'enfance.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [Dans la plupart des causes, l'intimé(e) sera un « père » ou une « mère » au sens de l'article 37 de la Loi sur les services à l'enfance et à la famille.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Avocat des enfants

Nom et adresse de la personne qui représente l'avocat(e) des enfants aux fins de signification (numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)) et nom de la personne représentée.

Ne remplissez que les points applicables et biffez les autres.

- Je m'appelle/Nous nous appelons (nom et prénom officiels)
et je suis/nous sommes (indiquez le poste que vous occupez à la société d'aide à l'enfance)
- L'enfant ou les enfants dans cette cause s'appellent :

Nom et prénom officiels de l'enfant	Date de naissance	Sexe

- ☐ Après que le tribunal conclut que l'enfant ou les enfants ont besoin de protection aux termes de la partie III de la Loi sur les services à l'enfance et à la famille, je demande/nous demandons au tribunal de rendre une ordonnance.
☐ Le tribunal a déjà conclu le (date) que l'enfant ou les enfants avaient besoin de protection aux termes de la partie III de la Loi sur les services à l'enfance et à la famille et il a rendu une ordonnance le (date)
Je demande/Nous demandons maintenant au tribunal de rendre une autre ordonnance.

Les éléments de la nouvelle ordonnance demandée au tribunal sont les suivants : (Donnez les éléments de cette ordonnance. Si vous désirez qu'elle comprenne une surveillance par la société d'aide à l'enfance, précisez-en les conditions.)

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

Suite au verso →

Formule 33B : Programme de soins d'un ou de plusieurs enfants (page 2)

Numéro de dossier du greffe

4. Les services dont la famille et l'enfant ou les enfants ont besoin et qui leur seront fournis sont les suivants: *(Décrivez les services en question, qui en a besoin et qui les fournira.)*
5. La société d'aide à l'enfance s'attend à ce que l'intimé(e) ou les intimé(e)s respectent certaines conditions avant qu'elle ne puisse décider que la surveillance ou la tutelle de l'enfant ou des enfants n'est plus nécessaire. La violation de ces conditions pourrait entraîner des conséquences très graves. Les conditions sont les suivantes : *(Énoncez les conditions et le délai prévu pour les respecter.)*

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

Suite à la page suivante →

6. L'enfant ou les enfants ne peuvent pas être adéquatement protégés pendant qu'ils sont confiés aux soins de l'intimé(e) ou des intimé(e)s parce que : *(Indiquez les raisons.)*
7. Les efforts suivants ont été déployés dans le passé pour protéger l'enfant ou les enfants pendant qu'ils étaient confiés aux soins de l'intimé(e) ou des intimé(e)s : *(Décrivez les efforts déployés. S'il n'y en a pas eu, expliquez pourquoi.)*
8. Les efforts suivants sont prévus pour maintenir l'enfant ou les enfants en contact avec l'intimé(e) ou les intimé(e)s : *(Décrivez les efforts prévus. Écrivez « Néant » si vous n'en prévoyez pas.)*

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

Suite au verso →

Formule 33B : Programme de soins d'un ou de plusieurs enfants (page 4)

Numéro de dossier du greffe

9. La société d'aide à l'enfance a soustrait l'enfant ou les enfants aux soins de l'intimé(e) ou des intimé(e)s et envisage que ce soit ☐ à titre temporaire.
- ☐ en permanence, et la société d'aide à l'enfance ☐ a déployé ☐ déploie les efforts suivants pour le placement stable et à long terme de l'enfant ou des enfants :

10. Le présent programme de soins a été signifié et des précisions à son sujet ont été données à l'intimé(e) ou aux intimé(e)s et autres personnes nummées ci-dessous :

Écrivez en caractères d'imprimerie le nom de la personne à qui le programme a été expliqué	Écrivez en caractères d'imprimerie le nom de la personne qui a expliqué le programme	Date de l'explication

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

Date de la signature

Signature

Date de la signature

Signature

Formule 33B.1

Loi sur les tribunaux judiciaires

DÉFENSE ET PROGRAMME DE SOINS

_____ (Nom du tribunal)

situé(e) au _____ (Adresse du greffe)

Numéro de dossier du greffe

**Formule 33B.1 : Défense et
programme de soins
(parties autres que la société
d'aide à l'enfance)**

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Avocat des enfants

Nom et adresse aux fins de signification de la personne qui représente l'avocat des enfants — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique et nom de la personne représentée.

À TOUTES LES PARTIES :

Si vous présentez une demande contre une personne qui n'est pas le/la requérant(e), indiquez les nom et adresse de la personne ici.

ET À : (nom et prénom officiels) intimé(e) joint(e),
du (adresse aux fins de signification)

Vous devez remplir, signifier, déposer et mettre à jour la présente formule si des changements importants concernant l'enfant ou les enfants interviennent après que vous l'avez signée.

Si vous êtes le ou la requérant(e), ne remplissez ni la partie 2, ni la partie 3, ni la partie 5 de la présente formule.

Je m'appelle/Nous nous appelons (nom et prénom officiels)
et je suis/nous sommes (indiquez votre lien par rapport à l'enfant ou aux enfants)

Suite au verso →

Formule 33B.1 : Défense et programme de soins
(parties autres qu'une société d'aide à l'enfance) (page 2)

Numéro de dossier du greffe

— PARTIE I —

1. L'enfant ou les enfants dans cette cause s'appellent :

Nom et prénom officiels de l'enfant	Date de naissance	Âge	Sexe	Nom et prénom officiels de la mère	Nom et prénom officiels du père	Religion de l'enfant	Statut de l'enfant autochtone

2. Les personnes suivantes ont assumé la garde de l'enfant ou des enfants et leur ont fourni des soins au cours de l'année dernière :

Nom et prénom de l'enfant	Nom de l'autre ou des autres fournisseurs de soins	Durée passée avec le ou les fournisseurs de soins (du j, m, a au j, m, a)

Suite à la page suivante→

— PARTIE 2 —

3. S'il s'agit d'une requête en protection d'un enfant, remplissez la présente partie, puis passez à la partie 4. (S'il s'agit d'une révision de statut, remplissez la partie 3, puis passez à la partie 4.)

(Cochez la ou les cases appropriées.)

☐ Je suis/Nous sommes d'accord avec les faits suivants énoncés au point 6 de la requête. (Reportez-vous au(x) paragraphe(s) numéroté(s) sous le point 6 de la requête.)

☐ Je ne suis/Nous ne sommes pas d'accord avec les faits suivants énoncés au point 6 de la requête. (Reportez-vous au(x) paragraphe(s) numéroté(s) sous le point 6 de la requête.)

REMARQUE : Si vous avez l'intention de contester la position de la société d'aide à l'enfance à l'audience sur les soins et la garde temporaires, un affidavit rédigé selon la formule 14 DOIT également être signifié aux parties et déposé auprès du tribunal.

(Joignez des pages supplémentaires au besoin et numérotez-les.)

Suite au verso →

Formule 33B.1 : Défense et programme de soins
(parties autres qu'une société d'aide à l'enfance) (page 4)

Numéro de dossier du greffe

— PARTIE 3 —

4. S'il s'agit d'une révision de statut, remplissez la présente partie puis passez à la partie 4. (S'il s'agit d'une requête en protection, remplissez la partie 2 puis passez à la partie 4.)

(Cochez la ou les cases appropriées.)

- ☐ Je suis/Nous sommes d'accord avec les faits suivants énoncés au point 6 de la requête. (Reportez-vous au(x) paragraphe(s) numéroté(s) sous le point 6 de la requête.)

- ☐ Je ne suis/Nous ne sommes pas d'accord avec les faits suivants énoncés au point 6 de la requête. (Reportez-vous au(x) paragraphe(s) numéroté(s) sous le point 6 de la requête.)

(Joignez des pages supplémentaires au besoin et numérotez-les.)

Suite à la page suivante →

— PARTIE 4 —

5. Quel placement et quelles conditions de placement seraient à votre avis dans l'intérêt véritable de l'enfant ou des enfants? (Vous devez au moins inclure dans votre programme de soins les renseignements suivants. Si votre programme est différent pour un enfant particulier, remplissez un programme distinct pour celui-ci.)

- a) Où habiterez-vous?
- b) Qui habitera avec vous, le cas échéant?
- c) Où l'enfant ou les enfants habiteront-ils?
- d) À quelle école ou garderie iront l'enfant ou les enfants?
- e) Quels jours et aux quelles heures l'enfant ou les enfants seront-ils à l'école ou en garderie?
- f) Êtes-vous inscrit(e) à l'école ou auprès d'un service de consultation?
- g) Si vous êtes inscrit(e) auprès d'un service de consultation, où est-il situé?
- h) À quels services de soutien ferez-vous appel pour l'enfant ou les enfants?
- i) Bénéficiez-vous d'un soutien familial?
- j) Si vous bénéficiez d'un soutien familial, qui vous aidera et de quelle façon?
- k) Quelles seront les activités de l'enfant ou des enfants?
- l) Quelle sera votre source de revenu?
- m) Avez-vous un emploi ou faites-vous des études?
- n) Si vous avez un emploi ou faites des études, quels en sont les détails, y compris les jours et les heures où vous travaillez ou suivez des cours, et qui s'occupera de votre enfant ou de vos enfants pendant ce temps-là?

o) Indiquez pourquoi vous estimez que ce programme serait dans l'intérêt véritable de l'enfant ou des enfants.

(Joignez des pages supplémentaires au besoin et numérotez-les.)

Suite au verso →

Formule 33B.1 : Défense et programme de soins
(parties autres qu'une société d'aide à l'enfance) (page 6)

Numéro de dossier de greffe

6. Les personnes suivantes disposent de renseignements qui appuient mon programme :

Nom	Renseignements

(Joignez des pages supplémentaires au besoin et numérotez-les.)

Suite à la page suivante →

— PARTIE 5 —

Demandes de l'intimé(e) ou des intimé(e)s

(Remplissez une page distincte pour chaque personne contre laquelle vous présentez vos demandes.)

7. LA PRÉSENTE DEMANDE EST PRÉSENTÉE CONTRE

☐ LA SOCIÉTÉ D'AIDE À L'ENFANCE (OU UN AUTRE REQUÉRANT)

☐ UNE PARTIE JOINTE, soit (nom et prénom officiels)

(Si votre demande est présentée contre une partie jointe, assurez-vous que son nom figure à la page 1 de la présente formule.)

8. JE DEMANDE AU TRIBUNAL CE QUI SUIT :

(Les demandes ci-dessous comprennent les demandes d'ordonnance temporaire.)

Demandes portant sur la protection d'un ou de plusieurs enfants	
40	<input type="checkbox"/> le droit de visite
41	<input type="checkbox"/> une ordonnance de protection moindre
42	<input type="checkbox"/> leur retour à mes/nos soins
43	<input type="checkbox"/> leur placement sous les soins de (nom)
44	<input type="checkbox"/> leur placement en tant que pupilles de la société d'aide à l'enfance pendant..... mois
45	<input type="checkbox"/> la surveillance de mes/nos enfants par la société
30	<input type="checkbox"/> les dépens
50	<input type="checkbox"/> (Autre; précisez.)

Donnez des précisions sur l'ordonnance que vous demandez au tribunal. (Indiquez notamment le nom de l'enfant ou des enfants à l'égard desquels la garde ou le droit de visite est demandé.)

FAITS IMPORTANTS À L'APPUI DE MES/NOS DEMANDES

(Sous forme de paragraphes numérotés, énoncez les faits qui constituent le fondement juridique de vos demandes. Joignez des pages supplémentaires au besoin et numérotez-les.)

Trocez une ligne en travers de tout espace laissé en blanc sur la présente page.

Date de la signature

Signature

Date de la signature

Signature

(5) La formule 33C du Règlement est modifiée par adjonction du paragraphe suivant :

4.1 Les faits importants suivants qui se rapportent à l'intérêt véritable de l'enfant ou des enfants se sont produits depuis la date à laquelle la présente requête a été introduite :

(6) La formule 33D du Règlement est modifiée comme suit :

- a) par suppression de «*Énumérez les faits qui ont trait aux préoccupations soulevées par le tribunal lorsqu'il a rendu l'ordonnance.*» au paragraphe 4;
 - b) par suppression de «*Dans le cas où l'ordonnance sur laquelle vous vous entendez tous soustrairait l'enfant ou les enfants aux soins de la personne qui s'en occupait avant que la présente révision de statut ne débute, expliquez pour quelles raisons des mesures moins perturbatrices ne suffiraient pas à protéger l'enfant ou les enfants.*» au paragraphe 5.
- (7) La formule 34B du Règlement est abrogée et remplacée par ce qui suit :**

Formule 34B

Loi sur les tribunaux judiciaires

CONSENTEMENT D'UNE PERSONNE AUTRE QUE LE PÈRE OU LA MÈRE À L'ADOPTION PAR LE CONJOINT

Numéro de dossier du greffe

(Nom du tribunal)

Formule 34B :

Consentement d'une
personne autre que le
père ou la mère à
l'adoption par le conjoint

situé(e) au

Adresse du greffe

Requérant(e)(s) (La première lettre du nom de famille du/de la requérant(e) peut être utilisée.)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)
---	---

Intimé(e)(s) (S'il y a une) intimé(e), la première lettre de son nom de famille peut être utilisée.)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
---	--

1. Je m'appelle (nom et prénom officiels)
et j'habite à (municipalité et province)
2. Le/la requérant(e) est mon «conjoint» au sens de la partie VII de la Loi sur les services à l'enfance et à la famille.
3. Je ne suis pas le «père» ou la «mère» de l'enfant dans cette cause au sens de la partie VII de la Loi sur les services à l'enfance et à la famille.
4. Je consens à l'adoption de : (Donnez les nom et prénom officiels, la date de naissance, le sexe et, s'il est connu, le numéro d'enregistrement de la naissance de la personne qui doit être adoptée. Si cette personne est un pupille de la Couronne ou qu'elle a été placée en vue de son adoption par un titulaire de permis ou une société d'aide à l'enfance, vous pouvez utiliser une initiale pour le nom de famille.)

Nom et prénom officiels

Date de naissance

Sexe

Numéro d'enregistrement de la naissance

par mon conjoint (nom et prénom officiels du conjoint)

Date des signatures

Signature de la personne qui n'est pas le père ou la mère

Signature d'un avocat indépendant

REMARQUE : Le présent consentement doit être signé en présence d'un avocat indépendant qui doit fournir ci-dessous l'affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants. Si la personne qui donne son consentement a moins de 18 ans, le consentement doit également être accompagné d'une attestation de l'avocat des enfants selon la formule 34J.

Suite au verso →

Formule 34B : Consentement d'une personne autre que le
père ou la mère à l'adoption par le conjoint

(page 2)

Numéro de dossier du greffe

AFFIDAVIT DE TÉMOIN À LA SIGNATURE ATTESTANT LA FOURNITURE DE CONSEILS JURIDIQUES INDÉPENDANTS	
Je m'appelle (<i>nom et prénom officiels</i>)	
et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :	
1. Je suis membre du Barreau de (<i>nom du territoire de compétence</i>) et je ne représente personne d'autre dans cette cause d'adoption.	
2. J'ai expliqué ce qui suit à (<i>nom et prénom officiels de la personne qui n'est pas le père ou la mère</i>) <input type="checkbox"/> la nature et l'effet d'une adoption selon le droit de l'Ontario; <input type="checkbox"/> la nature et l'effet du présent consentement; <input type="checkbox"/> les circonstances dans lesquelles le présent consentement peut être retiré; <input type="checkbox"/> le droit de recevoir des conseils professionnels.	
3. Après mon explication, la personne m'a dit qu'elle voulait signer le présent consentement.	
4. J'étais présent(e) lorsque la personne a signé le présent consentement et je l'ai signé comme témoin.	
Déclaré sous serment/Affirmé solennellement devant moi à <div style="text-align: center;"><i>municipalité</i></div> à/en/au <div style="text-align: center;"><i>province, État ou pays</i></div> le <div style="text-align: center;"><i>date</i></div>	<div style="text-align: center;"><i>Signature</i></div> <div style="text-align: center;"><i>(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)</i></div>
Commissaire aux affidavits <i>(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)</i>	

9. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le 28 avril 2003.

(2) Le paragraphe 8 (7) entre en vigueur le jour du dépôt du présent règlement.

14/03

ONTARIO REGULATION 92/03

made under the

COURTS OF JUSTICE ACT

Made: February 11, 2003
 Approved: March 19, 2003
 Filed: March 21, 2003

Amending O. Reg. 114/99
 (Family Law Rules)

Note: Since the end of 2002, Ontario Regulation 114/99 has been amended by Ontario Regulations 56/03 and 91/03.
 Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subrule 13 (1) of Ontario Regulation 114/99 is revoked and the following substituted:

FINANCIAL STATEMENT WITH APPLICATION, ANSWER OR MOTION

(1) If an application, answer or notice of motion contains a claim for support, a property claim, or a claim for exclusive possession of the matrimonial home and its contents,

- (a) the party making the claim shall serve and file a financial statement (Form 13 or 13.1) with the document that contains the claim; and
- (b) the party against whom the claim is made shall serve and file a financial statement within the time for serving and filing an answer, reply or affidavit in response to the motion, whether the party is serving an answer, reply or affidavit in response to the motion or not.

FORM 13 FOR SUPPORT CLAIM WITHOUT PROPERTY CLAIM

(1.1) If the application, answer or notice of motion contains a claim for support but does not contain a property claim or a claim for exclusive possession of the matrimonial home and its contents, the financial statement used by the parties under these rules shall be in Form 13.

FORM 13.1 FOR PROPERTY CLAIM WITH OR WITHOUT SUPPORT CLAIM

(1.2) If the application, answer or notice of motion contains a property claim or a claim for exclusive possession of the matrimonial home and its contents, the financial statement used by the parties under these rules shall be in Form 13.1, whether a claim for support is also included or not.

EXCEPTION, CERTAIN SUPPORT CLAIMS

(1.3) If the only claim for support contained in the application, answer or notice of motion is a claim for child support in the amount specified in the table of the applicable child support guidelines, the party making the claim is not required to file a financial statement, unless the application, answer or notice of motion also contains a property claim or a claim for exclusive possession of the matrimonial home and its contents.

TRANSITION

(1.4) A person who files a financial statement or a new financial statement on or after April 28, 2003, is required to use Form 13 or Form 13.1, as the case may be, as made by Ontario Regulation 92/03, even if the case was started before April 28, 2003.

(2) Subrule 13 (2) of the Regulation is amended by striking out “answer, reply or notice of motion” and substituting “answer or notice of motion”.

(3) Subrule 13 (3) of the Regulation is revoked and the following substituted:

FINANCIAL STATEMENTS IN CUSTODY AND ACCESS CASES

(3) If an application, answer or notice of motion contains a claim for custody of or access to a child and this rule does not otherwise require the parties to serve and file financial statements, the court may order each party to serve and file a financial statement in Form 13 within the time decided by the court.

(4) Subrule 13 (7) of the Regulation is revoked and the following substituted:

INCOME TAX DOCUMENTS REQUIRED

(7) The clerk shall not accept a party’s financial statement for filing unless,

- (a) copies of the party’s income tax returns and notices of assessment for the three previous taxation years are attached as the form requires;
- (b) the financial statement contains the party’s signed direction to the Canada Customs and Revenue Agency (Form 13A) for disclosure of the party’s income and deduction printouts; or
- (c) the financial statement contains a sworn statement that the party is not required to file an income tax return because of the *Indian Act* (Canada).

2. Rule 23 of the Regulation is amended by adding the following subrule:

MEANING OF “CITY OR TOWN”

(4.1) For the purposes of subrule (4), a municipality shall be considered a city or town if it was a city or town on December 31, 2002.

3. (1) Forms 8 and 8A of the Regulation are revoked and the following substituted:

Form 8

Courts of Justice Act

APPLICATION



at

(Name of court)

Court office address

Court File Number

Form 8: Application
(General)

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE RESPONDENT(S):

A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

- ☐ THE FIRST COURT DATE IS (date)AT.....☐ a.m. ☐ p.m. or as soon as possible after that time,
at: (address)

NOTE: If this is a divorce case, no date will be set unless an Answer is filed. If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.

- ☐ THIS CASE IS ON THE FAST TRACK OF THE CASE MANAGEMENT SYSTEM. A case management judge will be assigned by the time this case first comes before a judge.
- ☐ THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a notice of motion under subrule 14(5) is served before a case conference has been held. If, after 200 days, the case has not been scheduled for trial, the clerk of the court will send out a warning that the case will be dismissed in 30 days unless the parties file proof that the case has been settled or one of the parties asks for a case conference or a settlement conference.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an Answer (Form 10 — a blank copy should be attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service (Form 6B). YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.

Continued on other side. →

Check the box of the paragraph that applies to your case

- ☐ This case includes a claim for support. It does not include a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13 - a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.
- ☐ This case includes a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13.1 - a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your lawyer must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service.

- If you want to make a claim for support but do not want to make a claim for property or exclusive possession of the matrimonial home and its contents, you **MUST** fill out a Financial Statement (Form 13), serve a copy on the applicant(s) and file a copy in the court office.
- However, if your only claim for support is for child support in the table amount specified under the Child Support Guidelines, you do not need to fill out, serve or file a Financial Statement.
- If you want to make a claim for property or exclusive possession of the matrimonial home and its contents, whether or not it includes a claim for support, you **MUST** fill out a Financial Statement (Form 13.1, not Form 13), serve a copy on the applicant(s), and file a copy in the court office.

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid Ontario office. (See your telephone directory under **LEGAL AID**.)

Date of issue

Clerk of the court

Continued on next sheet. →

Form 8: Application (General) (page 3)

Court file number

FAMILY HISTORY

APPLICANT: Age: Birthdate: (d,m,y)
 Resident in (municipality & province)
 since (date)
 Surname at birth: Surname just before marriage:
 Divorced before? ☐ No ☐ Yes (Place and date of previous divorce)

RESPONDENT: Age: Birthdate: (d,m,y)
 Resident in (municipality & province)
 since (date)
 Surname at birth: Surname just before marriage:
 Divorced before? ☐ No ☐ Yes (Place and date of previous divorce)

RELATIONSHIP DATES:

☐ Married on (date) ☐ Started living together on (date)
☐ Separated on (date) ☐ Never lived together ☐ Still living together

THE CHILD(REN):

List all children involved in this case, even if no claim is made for these children.

Full legal name	Age	Birthdate (d,m,y)	Resident in (municipality & province)	Now Living With (name of person and relationship to child)

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☐ No ☐ Yes (Attach a Summary of Court Cases — Form 8E.)

Have the parties made a written agreement dealing with any matter involved in this case?

☐ No ☐ Yes (Give date of agreement. Indicate which of its terms are in dispute. Attach an additional page if you need more space.)

Continued on other side. →

CLAIM BY APPLICANT

ASK THE COURT FOR THE FOLLOWING:
(Claims below include claims for temporary orders.)

Claims under the Divorce Act <i>(Check boxes in this column only if you are asking for a divorce and your case is in the Family Court of the Superior Court of Justice.)</i>	Claims under the Family Law Act or Children's Law Reform Act	Claims relating to property <i>(Check boxes in this column only if your case is in the Family Court of the Superior Court of Justice.)</i>
00 <input type="checkbox"/> a divorce 01 <input type="checkbox"/> support for me 02 <input type="checkbox"/> support for child(ren)-table amount 03 <input type="checkbox"/> support for child(ren)-other than table amount 04 <input type="checkbox"/> custody of child(ren) 05 <input type="checkbox"/> access to child(ren)	10 <input type="checkbox"/> support for me 11 <input type="checkbox"/> support for child(ren)-table amount 12 <input type="checkbox"/> support for child(ren)-other than table amount 13 <input type="checkbox"/> custody of child(ren) 14 <input type="checkbox"/> access to child(ren) 15 <input type="checkbox"/> restraining/non-harassment order 16 <input type="checkbox"/> indexing spousal support 17 <input type="checkbox"/> indexing same-sex partner support 18 <input type="checkbox"/> declaration of parentage 19 <input type="checkbox"/> guardianship over child's property	20 <input type="checkbox"/> equalization of net family properties 21 <input type="checkbox"/> exclusive possession of matrimonial home 22 <input type="checkbox"/> exclusive possession of contents of matrimonial home 23 <input type="checkbox"/> freezing assets 24 <input type="checkbox"/> sale of family property
Other claims 30 <input type="checkbox"/> costs 31 <input type="checkbox"/> annulment of marriage 32 <input type="checkbox"/> prejudgment interest	50 <input type="checkbox"/> Other <i>(Specify:)</i>	

Give details of the order that you want the court to make. *(Include any amounts of support (if known) and the names of the children for whom support, custody or access is claimed.)*

Continued on next sheet. →

Form 8: Application (General) (page 5)

Court file number

IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE

- ☐ **Separation:** The spouses have lived separate and apart since (date) and
☐ have not lived together again since that date in an unsuccessful attempt to reconcile.
☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: (Give dates.)
- ☐ **Adultery:** The respondent has committed adultery. (Give details. It is not necessary to name any other person involved but, if you do name the other person, then you must serve this application on the other person.)
- ☐ **Cruelty:** The respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. (Give details.)

IMPORTANT FACTS SUPPORTING MY OTHER CLAIM(S)

(Set out below the facts that form the legal basis for your other claim(s). Attach an additional page if you need more space.)

*Put a line through any space left on this page. If additional space is needed, extra pages may be attached.*_____
Date of signature_____
Signature of applicant

For divorce cases only

LAWYER'S CERTIFICATE

My name is:
 and I am the applicant's lawyer in this divorce case. I certify that I have complied with the requirements of section 9 of the *Divorce Act*.

Date_____
Signature of Lawyer

Form 8A
Courts of Justice Act
APPLICATION (DIVORCE)



(Name of court)

at _____

Court office address

Court File Number

Form 8A: Application (divorce) ☐ Simple ☐ Joint

Applicant(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

Respondent(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

☐ **IN THIS CASE, THE APPLICANT IS CLAIMING DIVORCE ONLY.**

TO THE RESPONDENT(S): A COURT CASE FOR DIVORCE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a notice of motion under subrule 14(5) is served before a case conference has been held. If, after 200 days, the case has not been scheduled for trial, the clerk of the court will send out a warning that the case will be dismissed in 30 days unless the parties file proof that the case has been settled or one of the parties asks for a case conference or a settlement conference.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an Answer (Form 10 — a blank copy should be attached), serve a copy on the applicant and file a copy in the court office with an Affidavit of Service (Form 6B). **YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your lawyer must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service.

- If you want to make a claim for support but do not want to make a claim for property or exclusive possession of the matrimonial home and its contents, you **MUST** fill out a Financial Statement (Form 13), serve a copy on the applicant(s) and file a copy in the court office.
- However, if your only claim for support is for child support in the table amount specified under the Child Support Guidelines, you do not need to fill out, serve or file a Financial Statement.
- If you want to make a claim for property or exclusive possession of the matrimonial home and its contents, whether or not it includes a claim for support, you **MUST** fill out a Financial Statement (Form 13.1, not Form 13), serve a copy on the applicant(s), and file a copy in the court office.

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid Ontario office. (See your telephone directory under **LEGAL AID**.)

Continued on other side. →

Form 8A: Application (Divorce) (page 2)

Court file number

☐ **THIS CASE IS A JOINT APPLICATION FOR DIVORCE. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.** The application and affidavits in support of the application will be presented to a judge when the materials have been checked for completeness.

If you are requesting anything other than a simple divorce, such as support or property or exclusive possession of the matrimonial home and its contents, then refer to page 1 for instructions regarding the Financial Statement you should file.

Date of issue

Clerk of the court

Continued on next sheet. →

Form 8A: Application (Divorce) (page 3)

Court file number

FAMILY HISTORY

HUSBAND: Age: Birthdate: (d,m,y)
 Resident in (municipality & province)
 since (date)
 Surname at birth: Surname just before marriage:
 Divorced before? ☐ No ☐ Yes (Place and date of previous divorce)

WIFE: Age: Birthdate: (d,m,y)
 Resident in (municipality & province)
 since (date)
 Surname at birth: Surname just before marriage:
 Divorced before? ☐ No ☐ Yes (Place and date of previous divorce)

RELATIONSHIP DATES:

☐ Married on (date) ☐ Started living together on (date)
☐ Separated on (date) ☐ Never lived together

THE CHILD(REN):

List all children involved in this case, even if no claim is made for these children.

Full legal name	Age	Birthdate (d,m,y)	Resident in (municipality & province)	Now Living With (name of person and relationship to child)

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☐ No ☐ Yes (Attach a Summary of Court Cases — Form 8E.)

Have the parties made a written agreement dealing with any matter involved in this case?

☐ No ☐ Yes (Give date of agreement. Indicate which of its terms are in dispute. Attach an additional page if you need more space.)

Continued on other side. →

Form 8A: Application (Divorce) (page 4)

Court file number

CLAIMS

USE THIS FRAME ONLY IF THIS CASE IS A JOINT APPLICATION FOR DIVORCE.

WE JOINTLY ASK THE COURT FOR THE FOLLOWING:

Claims under the *Divorce Act*

- 00 ☐ a divorce
 01 ☐ spousal support
 02 ☐ support for child(ren)-table amount
 03 ☐ support for child(ren)-other than table amount
 04 ☐ custody of child(ren)
 05 ☐ access to child(ren)

Claims under the *Family Law Act* or *Children's Law Reform Act*

- 10 ☐ spousal support
 11 ☐ support for child(ren)-table amount
 12 ☐ support for child(ren)-other than table amount
 13 ☐ custody of child(ren)
 14 ☐ access to child(ren)
 15 ☐ restraining/non-harassment order
 16 ☐ indexing spousal support
 17 ☐ declaration of parentage
 18 ☐ guardianship over child's property

Claims relating to property

- 20 ☐ equalization of net family properties
 21 ☐ exclusive possession of matrimonial home
 22 ☐ exclusive possession of contents of matrimonial home
 23 ☐ freezing assets
 24 ☐ sale of family property

Other claims

- 30 ☐ costs
 31 ☐ annulment of marriage
 32 ☐ prejudgment interest
 50 ☐ Other (*Specify.*)

USE THIS FRAME ONLY IF THE APPLICANT'S ONLY CLAIM IN THIS CASE IS FOR DIVORCE.

I ASK THE COURT FOR:

- 00 ☐ a divorce

(Check if applicable.)

- 30 ☐ costs

IMPORTANT FACTS SUPPORTING THE CLAIM FOR DIVORCE

- ☐ **Separation:** The spouses have lived separate and apart since (date) and
☐ have not lived together again since that date in an unsuccessful attempt to reconcile.
☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile:
 (Give dates.)
- ☐ **Adultery:** (Name of spouse) has committed adultery.
 (Give details. It is not necessary to name any other person involved but if you do name the other person, then you must serve this application on the other person.)
- ☐ **Cruelty:** (Name of spouse) has treated (name of spouse) with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. (Give details.)

Continued on next sheet. →

USE THIS FRAME ONLY IF THIS CASE IS A JOINT APPLICATION FOR DIVORCE.

The details of the other order(s) that we jointly ask the court to make are as follows: *(Include any amounts of support and the names of the children for whom support, custody or access is to be ordered.)*

IMPORTANT FACTS SUPPORTING OUR CLAIM(S)

(Set out below the facts that form the legal basis for your claim(s). Attach an additional page if you need more space.)

Put a line through any blank space left on this page.

In a joint application for divorce, there will be two signatures – one for each spouse. But in an application where the applicant's only claim is for divorce, you and your lawyer are the only ones who will sign and you should strike out the inappropriate zone for your spouse's signature and corresponding date.

Date of signature

Signature of applicant husband

Date of signature

Signature of applicant wife

LAWYER'S CERTIFICATE

My name is:

and I am the lawyer for (name) in this divorce case. I certify that I have complied with the requirements of section 9 of the *Divorce Act*.

Date

Signature of Lawyer

(2) Forms 10 and 10A of the Regulation are revoked and the following substituted:

Form 10
Courts of Justice Act
ANSWER

Court File Number

.....
Form 10: Answer

at

(Name of court)

Court office address

Applicant(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>
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Respondent(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>
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<i>Name & address of Children's Lawyer's agent for service (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.</i>
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INSTRUCTIONS: Financial Statement

COMPLETE A FINANCIAL STATEMENT (Form 13) IF:

- you are making or responding to a claim for spousal support; or
- you are responding to a claim for child support; or
- you are making a claim for child support in an amount different from the table amount specified under the Child Support Guidelines.

You must complete all parts of the form UNLESS you are ONLY responding to a claim for child support in the table amount specified under the Child Support Guidelines AND you agree with the claim. In that case, only complete Parts 1, 2 and 3.

COMPLETE A FINANCIAL STATEMENT (Form 13.1) IF:

- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.

TO THE APPLICANT(S):

If you are making a claim against someone who is not an applicant, insert the person's name and address here.

AND TO: *(full legal name)*

an added respondent,

of *(address of added party)*

My name is *(full legal name)*.....

1. I agree with the following claim(s) made by the applicant: *(Refer to the numbers alongside the boxes on page 3 of the application form.)*

Continued on other side. →

2. I do not agree with the following claim(s) made by the applicant: *(Again, refer to the numbers alongside the boxes on page 3 of the application form.)*
3. ☐ I am asking that the applicant's claim (except for the parts with which I agree) be dismissed with costs.
4. ☐ I am making a claim of my own.
(Attach a "Claim by Respondent" page and include it as page 3. Otherwise, do not attach it.)
5. ☐ The FAMILY HISTORY, as set out in the application, ☐ is correct.
☐ is not correct.
(If it is not correct, attach your own FAMILY HISTORY page and underline those parts that are different from the applicant's version.)
6. The important facts that form the legal basis for my position in paragraph 2 are as follows:
(In numbered paragraphs, set out the facts for your position. Attach an additional sheet and number it if you need more space.)

Put a line through any space left on this page.

Date of signature

Respondent's signature

Continued on next sheet. →

Form 10: Answer (page 3)

Court file number

CLAIM BY RESPONDENT*Fill out a separate claim page for each person against whom you are making your claim(s).***7. THIS CLAIM IS MADE AGAINST**☐ THE APPLICANT☐ AN ADDED PARTY, whose name is: *(full legal name)**(If your claim is against an added party, make sure that this person's name appears on page 1 of this form.)***8. I ASK THE COURT FOR THE FOLLOWING:***(Claims below include claims for temporary orders.)*

Claims under the Divorce Act <i>(Check boxes in this column only if you are asking for a divorce and your case is in the Family Court of the Superior Court of Justice.)</i>	Claims relating to property <i>(Check boxes in this column only if your case is in the Family Court of the Superior Court of Justice.)</i>	Claims relating to child protection
00 <input type="checkbox"/> a divorce	20 <input type="checkbox"/> equalization of net family properties	40 <input type="checkbox"/> access
01 <input type="checkbox"/> support for me	21 <input type="checkbox"/> exclusive possession of matrimonial home	41 <input type="checkbox"/> lesser protection order
02 <input type="checkbox"/> support for child(ren)-table amount	22 <input type="checkbox"/> exclusive possession of contents of matrimonial home	42 <input type="checkbox"/> return of child(ren) to my care
03 <input type="checkbox"/> support for child(ren)-other than table amount	23 <input type="checkbox"/> freezing assets	43 <input type="checkbox"/> place child(ren) into care of <i>(name)</i>
04 <input type="checkbox"/> custody of child(ren)	24 <input type="checkbox"/> sale of family property	44 <input type="checkbox"/> children's aid society wardship for months
05 <input type="checkbox"/> access to child(ren)		45 <input type="checkbox"/> society supervision of my child(ren)
Claims under the Family Law Act or Children's Law Reform Act	Other claims	
10 <input type="checkbox"/> support for me	30 <input type="checkbox"/> costs	
11 <input type="checkbox"/> support for child(ren)-table amount	31 <input type="checkbox"/> annulment of marriage	
12 <input type="checkbox"/> support for child(ren)-other than table amount	32 <input type="checkbox"/> prejudgment interest	
13 <input type="checkbox"/> custody of child(ren)		
14 <input type="checkbox"/> access to child(ren)		
15 <input type="checkbox"/> restraining/non-harassment order		
16 <input type="checkbox"/> indexing spousal support		
17 <input type="checkbox"/> indexing same-sex partner support		
18 <input type="checkbox"/> declaration of parentage		
19 <input type="checkbox"/> guardianship over child's property		
50 <input type="checkbox"/> Other <i>(Specify.)</i>		

Give details of the order that you want the court to make. *(Include any amounts of support (if known) and the name(s) of the child(ren) for whom support, custody or access is claimed.)*

Continued on other side. →

IMPORTANT FACTS SUPPORTING MY CLAIM(S)

(In numbered paragraphs, set out the facts that form the legal basis for your claim(s). Attach an additional page and number it if you need more space.)

Put a line through any space left on this page.

Date of signature

Respondent's signature

Form 10A*Courts of Justice Act***REPLY**

_____ <i>(Name of court)</i>	Court File Number _____
at _____ <i>Court office address</i>	Form 10A: Reply by <input type="checkbox"/> applicant <input type="checkbox"/> added respondent

Applicant(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>
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Respondent(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>
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Children's Lawyer

<i>Name & address of Children's Lawyer's agent for service (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.</i>
--

INSTRUCTIONS: Financial Statement**COMPLETE A FINANCIAL STATEMENT (Form 13) IF:**

- you are responding to a claim for spousal support; or
- you are responding to a claim for child support.

You must complete all parts of the form **UNLESS** you are **ONLY** responding to a claim for child support in the table amount specified under the Child Support Guidelines **AND** you agree with the claim. In that case, only complete Parts 1, 2 and 3.

COMPLETE A FINANCIAL STATEMENT (Form 13.1) IF:

- you are responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
- you are responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.

TO ALL PARTIES:

1. My name is *(full legal name)*
2. I agree with the following claim(s) made by the respondent in his/her answer: *(Refer to the numbers alongside the boxes on page 3 of the answer form.)*
3. I do not agree with the following claim(s) made by the respondent: *(Again, refer to the numbers alongside the boxes on page 3 of the answer form.)*
4. ☐ I am asking that the respondent's claim (except for the parts with which I agree) be dismissed with costs.

Continued on other side. →

5. The important facts supporting my position in paragraph 3 are as follows:
(In numbered paragraphs, set out the reasons for your position. Attach an additional sheet and number it if you need more space.)

Put a line through any space left on this page.

Date of signature

Signature

(3) Form 13 of the Regulation is revoked and the following substituted:

Form 13
Courts of Justice Act
FINANCIAL STATEMENT

Court File Number

(Name of court)

at

Court office address

.....
Form 13:
Financial Statement
(Support Claims)
sworn/affirmed

Applicant(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

Respondent(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

INSTRUCTIONS**1. YOU DO NOT NEED TO COMPLETE THIS FORM IF:**

- your only claim for support is for child support in the table amount specified under the Child Support Guidelines and you are not making or responding to a claim described in paragraph 3 below.

2. USE THIS FORM IF:

- you are making or responding to a claim for spousal support; or
- you are responding to a claim for child support; or
- you are making a claim for child support in an amount different from the table amount specified under the Child Support Guidelines.

You must complete all parts of the form **UNLESS** you are **ONLY** responding to a claim for child support in the table amount specified under the Child Support Guidelines **AND** you agree with the claim. In that case, only complete Parts 1, 2 and 3.

3. DO NOT USE THIS FORM AND INSTEAD USE FORM 13.1 IF:

- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.

- 1. My name is (full legal name)**
- I live in (municipality & province)**
- and I swear/affirm that the following is true:**
- My financial statement set out on the following (specify number) pages is accurate to the best of my knowledge and belief and sets out the financial situation as of (give date for which information is accurate) for
- Check one or more boxes, as circumstances require.
- ☐ me
- ☐ the following person(s): (Give name(s) and relationship to you)
-
-

Continued on other side. →

NOTE: When you show monthly income and expenses, give the current actual amount if you know it or can find out. To get a monthly figure you must multiply any weekly income by 4.33 or divide any yearly income by 12.

PART 1: INCOME

for the 12 months from (date) to (date)
Include all income and other money that you get from all sources, whether taxable or not. Show the gross amount here and show your deductions in Part 3.

CATEGORY		Monthly	CATEGORY		Monthly
1.	Pay, wages, salary, including overtime (before deductions)		9.	Rent, board received	
2.	Bonuses, fees, commissions		10.	Canada Child Tax Benefit	
3.	Social assistance		11.	Support payments actually received	
4.	Employment insurance		12.	Income received by children	
5.	Workers' compensation		13.	G.S.T. refund	
6.	Pensions		14.	Payments from trust funds	
7.	Dividends		15.	Gifts received	
8.	Interest		16.	Other (Specify. If necessary, attach an extra sheet.)	
			17.	INCOME FROM ALL SOURCES	

PART 2: OTHER BENEFITS

Show your non-cash benefits — such as the use of a company car, a club membership or room and board that your employer or someone else provides for you or benefits that are charged through or written off by your business.

ITEM	DETAILS	Monthly Market Value
	18. TOTAL	

19. GROSS MONTHLY INCOME AND BENEFITS (Add [17] plus [18].) \$

PART 3: AUTOMATIC DEDUCTIONS FROM INCOME

for the 12 months from (date) to (date)

TYPE OF EXPENSE		Monthly	TYPE OF EXPENSE		Monthly
20.	Income tax deducted from pay		25.	Group insurance	
21.	Canada Pension Plan		26.	Other (Specify. If necessary, attach an extra sheet.)	
22.	Other pension plans				
23.	Employment insurance				
24.	Union or association dues		27.	TOTAL AUTOMATIC DEDUCTIONS	

28. NET MONTHLY INCOME (Do the subtraction: [19] minus [27].) \$

Continued on next sheet. →

Form 13: Financial Statement (Support Claims) (page 3)

Court file number

PART 4: TOTAL EXPENSES

for the 12 months from (date) to (date)

NOTE: If you need to complete this Part (see instructions on page 1), you must set out your **TOTAL** living expenses, including those expenses involving any children now living in your home. This part may also be used for a proposed budget. To prepare a proposed budget, photocopy Part 4, complete as necessary, change the title to "Proposed Budget" and attach it to this form.

TYPE OF EXPENSE		Monthly
Housing		
29.	Rent/ mortgage	
30.	Property taxes & municipal levies	
31.	Condominium fees & common expenses	
32.	Water	
33.	Electricity & heating fuel	
34.	Telephone	
35.	Cable television & pay television	
36.	Home insurance	
37.	Home repairs, maintenance, gardening	
Sub-total of items [29] to [37]		
Food, Clothing and Transportation etc.		
38.	Groceries	
39.	Meals outside home	
40.	General household supplies	
41.	Hairdresser, barber & toiletries	
42.	Laundry & dry cleaning	
43.	Clothing	
44.	Public transit	
45.	Taxis	
46.	Car insurance	
47.	Licence	
48.	Car loan payments	
49.	Car maintenance and repairs	
50.	Gasoline & oil	
51.	Parking	
Sub-total of items [38] to [51]		
Health and Medical (do not include child(ren)'s expenses)		
52.	Regular dental care	
53.	Orthodontics or special dental care	
54.	Medicine & drugs	
55.	Eye glasses or contact lenses	
56.	Life or term insurance premiums	
Sub-total of items [52] to [56]		

TYPE OF EXPENSE		Monthly
Child(ren)		
57.	School activities (field trips, etc.)	
58.	School lunches	
59.	School fees, books, tuition, etc. (for children)	
60.	Summer camp	
61.	Activities (music lessons, clubs, sports)	
62.	Allowances	
63.	Baby sitting	
64.	Day care	
65.	Regular dental care	
66.	Orthodontics or special dental care	
67.	Medicine & drugs	
68.	Eye glasses or contact lenses	
Sub-total of items [57] to [68]		
Miscellaneous and Other		
69.	Books for home use, newspapers, magazines, videos, compact discs	
70.	Gifts	
71.	Charities	
72.	Alcohol & tobacco	
73.	Pet expenses	
74.	School fees, books, tuition, etc.	
75.	Entertainment & recreation	
76.	Vacation	
77.	Credit cards (but not for expenses mentioned elsewhere in the statement)	
78.	R.R.S.P. or other savings plans	
79.	Support actually being paid in any other case	
80.	Income tax and Canada Pension Plan (not deducted from pay)	
81.	Other (Specify. If necessary attach an extra sheet.)	
Sub-total of items [69] to [81]		
82.	Total of items [29] to [81]	

SUMMARY OF INCOME AND EXPENSES

Net monthly income (item [28] above) = \$

Subtract actual monthly expenses (item [82] above) = \$

ACTUAL MONTHLY SURPLUS/DEFICIT = \$

Continued on other side. →

PART 5: OTHER INCOME INFORMATION1. I am ☐ employed by (name and address of employer)☐ self-employed, carrying on business under the name of (name and address of business)☐ unemployed since (date when last employed)

2. I attach the following required information (if you are filing this statement to update or correct an earlier statement, then you do not need to attach income tax returns that have already been filed with the court):

☐ a copy of my income tax returns that were filed with the Canada Customs and Revenue Agency for the past 3 taxation years, together with a copy of all material filed with the returns and a copy of any notices of assessment or re-assessment that I have received from the Canada Customs and Revenue Agency for those years; or☐ a statement from the Canada Customs and Revenue Agency that I have not filed any income tax returns for the past 3 years; or☐ a direction in Form 13A signed by me to the Taxation Branch of the Canada Customs and Revenue Agency for the disclosure of my tax returns and notices of assessment to the other party for the past 3 years.

I attach proof of my current income, including my most recent

☐ pay cheque stub.☐ employment insurance stub.☐ worker's compensation stub.☐ pension stub.☐ Other. (Specify.)3. ☐ (check if applicable) I am an Indian within the meaning of the *Indian Act* (Canada) and all my income is tax exempt and I am not required to file an income tax return. I have therefore not attached an income tax return for the past three years.**PART 6: OTHER INCOME EARNERS IN THE HOME**

Complete this part only if you are making a claim for undue hardship or spousal support. Indicate at paragraph 1 or 2, whether you are living with another person (for example, spouse, same sex partner, roommate or tenant). If you complete paragraph 2, also complete paragraphs 3 to 6.

1. ☐ I live alone.

2. I am living with (full legal name of person)

3. This person has (give number) child(ren) living in the home.

4. This person ☐ works at (place of work or business)
☐ does not work outside the home.5. This person ☐ earns (give amount) \$ per
☐ does not earn anything.6. This person ☐ contributes about \$ per towards the household expenses.
☐ contributes no money to the household expenses.

Continued on next sheet. →

Form 13: Financial Statement (Support Claims) (page 5)

Court file number

PART 7: PROPERTY**LAND**

Kind of Property	Address of Property	Type of Ownership (Give your percentage of interest)	Estimated Market Value of Your Interest
83. TOTAL VALUE			

GENERAL ITEMS AND VEHICLES (including household goods and furniture, jewellery, cars, boats, tools, sports and hobby equipment)

Description (including where located, year and make)	Estimated Market Value (not replacement cost)
84. TOTAL VALUE	

BANK ACCOUNTS, SAVINGS, SECURITIES AND PENSIONS (including R.R.S.P.'s, other savings plans, cash, accounts in financial institutions, stocks, bonds, term deposits and controlling interest in an incorporated business)

Item/Type	Institution (include location)/ Description (including issuer and date)	Account Number	Date of Maturity	Amount/ Estimated Market Value
85. TOTAL VALUE				

LIFE AND DISABILITY INSURANCE (List all policies now in existence.)

Company, Type & Policy No.	Beneficiary	Face Amount	Today's Cash Surrender Value
86. TOTAL VALUE			

BUSINESS INTERESTS (Show any interest in an unincorporated business owned today.)

Name of Firm or Company	Nature and Location of Business	Interest	Estimated Market Value of Your Interest
87. TOTAL VALUE			

MONEY OWED TO YOU (including any court judgments in your favour, any estate money and any income tax refunds owed to you.)

Details (including name of debtors)	Amount Owed to You
88. TOTAL OF MONEY OWED TO YOU	

OTHER PROPERTY

Type of Property	Description and Location	Estimated Market Value
89. TOTAL VALUE OF OTHER PROPERTY		

90. TOTAL VALUE OF ALL PROPERTY

Add items [83] to [89]

--

Continued on other side. →

Debts and other liabilities may include any money owed to the Canada Customs and Revenue Agency, contingent liabilities such as guarantees or warranties given by you (but indicate that they are contingent), any unpaid legal or professional bills as a result of this case, mortgages, charges, liens, notes, credit cards, and accounts payable.

91. TOTAL OF DEBTS AND OTHER LIABILITIES:

Amounts

TOTAL ASSETS (from item [90] above)

5

Subtract TOTAL DEBTS (from item [91] above)

\$

92. NET WORTH

\$

- ☐ I attach a proposed budget in the format of Part 4 of this form.

- a new financial statement with updated information, or
- If changes are minor, an affidavit in Form 14A setting out the details of these changes.

Signature
(This form is to be signed in front of a lawyer,
justice of the peace, notary public or
commissioner for taking affidavits.)

Form 13.1
Courts of Justice Act
FINANCIAL STATEMENT

Court File Number

(Name of court)

at

Court office address

Form 13.1:
Financial Statement
(Property and Support Claims)
sworn/affirmed

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

INSTRUCTIONS

1. USE THIS FORM IF:
 - you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
 - you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.
2. DO NOT USE THIS FORM AND INSTEAD USE FORM 13 IF:
 - you are making or responding to a claim for support but NOT making or responding to a claim for property or exclusive possession of the matrimonial home and its contents.

1. My name is (full legal name)
- I live in (municipality & province)
- and I swear/affirm that the following is true:
- My financial statement set out on the following (specify number) pages is accurate to the best of my knowledge and belief and sets out the financial situation as of (give date for which information is accurate) for
- Check one or more boxes, as circumstances require.
 - ☐ me
 - ☐ the following person(s): (Give name(s) and relationship to you.)

Continued on other side. →

NOTE: When you show monthly income and expenses, give the current actual amount if you know it or can find out. To get a monthly figure you must multiply any weekly income by 4.33 or divide any yearly income by 12.

PART 1: INCOME

for the 12 months from (date) to (date)
Include all income and other money that you get from all sources, whether taxable or not. Show the gross amount here and show your deductions in Part 3.

CATEGORY		Monthly
1.	Pay, wages, salary, including overtime (before deductions)	
2.	Bonuses, fees, commissions	
3.	Social assistance	
4.	Employment insurance	
5.	Workers' compensation	
6.	Pensions	
7.	Dividends	
8.	Interest	

CATEGORY		Monthly
9.	Rent, board received	
10.	Canada Child Tax Benefit	
11.	Support payments actually received	
12.	Income received by children	
13.	G.S.T. refund	
14.	Payments from trust funds	
15.	Gifts received	
16.	Other (Specify. If necessary, attach an extra sheet.)	
17.	INCOME FROM ALL SOURCES	

PART 2: OTHER BENEFITS

Show your non-cash benefits — such as the use of a company car, a club membership or room and board that your employer or someone else provides for you or benefits that are charged through or written off by your business.

ITEM	DETAILS	Monthly Market Value
	18. TOTAL	

19. GROSS MONTHLY INCOME AND BENEFITS (Add [17] plus [18].) \$

PART 3: AUTOMATIC DEDUCTIONS FROM INCOME

for the 12 months from (date) to (date)

TYPE OF EXPENSE		Monthly
20.	Income tax deducted from pay	
21.	Canada Pension Plan	
22.	Other pension plans	
23.	Employment insurance	
24.	Union or association dues	

TYPE OF EXPENSE		Monthly
25.	Group insurance	
26.	Other (Specify. If necessary, attach an extra sheet.)	
27.	TOTAL AUTOMATIC DEDUCTIONS	

28. NET MONTHLY INCOME (Do the subtraction: [19] minus [27].) \$

Continued on next sheet. →

Form 13.1: Financial Statement (Property and Support Claims) (page 3)

Court file number

PART 4: TOTAL EXPENSES

for the 12 months from (date) to (date)

NOTE: This part must be completed in all cases. You must set out your **TOTAL** living expenses, including those expenses involving any children now living in your home. This part may also be used for a proposed budget. To prepare a proposed budget, photocopy Part 4, complete as necessary, change the title to "Proposed Budget" and attach it to this form.

TYPE OF EXPENSE		Monthly
Housing		
29.	Rent/mortgage	
30.	Property taxes & municipal levies	
31.	Condominium fees & common expenses	
32.	Water	
33.	Electricity & heating fuel	
34.	Telephone	
35.	Cable television & pay television	
36.	Home insurance	
37.	Home repairs, maintenance, gardening	
Sub-total of items [29] to [37]		
Food, Clothing and Transportation		
38.	Groceries	
39.	Meals outside home	
40.	General household supplies	
41.	Hairdresser, barber & toiletries	
42.	Laundry & dry cleaning	
43.	Clothing	
44.	Public transit	
45.	Taxis	
46.	Car insurance	
47.	Licence	
48.	Car loan payments	
49.	Car maintenance and repairs	
50.	Gasoline & oil	
51.	Parking	
Sub-total of items [38] to [51]		
Health and Medical (do not include child(ren)'s expenses)		
52.	Regular dental care	
53.	Orthodontics or special dental care	
54.	Medicine & drugs	
55.	Eye glasses or contact lenses	
56.	Life or term insurance premiums	
Sub-total of items [52] to [56]		

TYPE OF EXPENSE		Monthly
Child(ren)		
57.	School activities (field trips, etc.)	
58.	School lunches	
59.	School fees, books, tuition, etc. (for children)	
60.	Summer camp	
61.	Activities (music lessons, clubs, sports)	
62.	Allowances	
63.	Baby sitting	
64.	Day care	
65.	Regular dental care	
66.	Orthodontics or special dental care	
67.	Medicine & drugs	
68.	Eye glasses or contact lenses	
Sub-total of items [57] to [68]		
Miscellaneous and Other		
69.	Books for home use, newspapers, magazines, videos, compact discs	
70.	Gifts	
71.	Charities	
72.	Alcohol & tobacco	
73.	Pet expenses	
74.	School fees, books tuition, etc.	
75.	Entertainment & recreation	
76.	Vacation	
77.	Credit cards (but not for expenses mentioned elsewhere in the statement)	
78.	R.R.S.P. or other savings plans	
79.	Support actually being paid in any other case	
80.	Income tax and Canada Pension Plan (not deducted from pay)	
81.	Other (Specify. If necessary attach an extra sheet.)	
Sub-total of items [69] to [81]		
82.	Total of items [29] to [81]	

SUMMARY OF INCOME AND EXPENSES

Net monthly income (item [28] above) = \$

Subtract actual monthly expenses (item [82] above) = \$

ACTUAL MONTHLY SURPLUS/DEFICIT = \$

Continued on other side. →

PART 5: OTHER INCOME INFORMATION1. I am ☐ employed by (name and address of employer)☐ self-employed, carrying on business under the name of (name and address of business)☐ unemployed since (date when last employed)

2. I attach the following required information (if you are filing this statement to update or correct an earlier statement, then you do not need to attach income tax returns that have already been filed with the court):

☐ a copy of my income tax returns that were filed with the Canada Customs and Revenue Agency for the past 3 taxation years, together with a copy of all material filed with the returns and a copy of any notices of assessment or re-assessment that I have received from the Canada Customs and Revenue Agency for those years; or☐ a statement from the Canada Customs and Revenue Agency that I have not filed any income tax returns for the past 3 years; or☐ a direction in Form 13A signed by me to the Taxation Branch of the Canada Customs and Revenue Agency for the disclosure of my tax returns and notices of assessment to the other party for the past 3 years.

I attach proof of my current income, including my most recent

☐ pay cheque stub.☐ employment insurance stub.☐ worker's compensation stub.☐ pension stub.☐ Other. (Specify)3. ☐ (check if applicable) I am an Indian within the meaning of the *Indian Act* (Canada) and all my income is tax exempt and I am not required to file an income tax return. I have therefore not attached an income tax return for the past three years.**PART 6: OTHER INCOME EARNERS IN THE HOME**

Complete this part only if you are making a claim for undue hardship or spousal support. Indicate at paragraph 1 or 2, whether you are living with another person (for example, spouse, same sex partner, roommate or tenant). If you complete paragraph 2, also complete paragraphs 3 to 6.

1. ☐ I live alone.

2. I am living with (full legal name of person)

3. This person has (give number) child(ren) living in the home.

4. This person ☐ works at (place of work or business)
☐ does not work outside the home.5. This person ☐ earns (give amount) \$ per
☐ does not earn anything.6. This person ☐ contributes about \$ per towards the household expenses.
☐ contributes no money to the household expenses.

Continued on next sheet. →

PART 7(c): BANK ACCOUNTS, SAVINGS, SECURITIES AND PENSIONS

Show the items owned on the dates in each of the columns below by category, for example, cash, accounts in financial institutions, pensions, registered retirement or other savings plans, deposit receipts, any other savings, bonds, warrants, options, notes and other securities. Give your best estimate of the market value of the securities if the items were to be sold on the open market.

Category	INSTITUTION (including location)/ DESCRIPTION (including issuer and date)	Account number	Amount/Estimated Market Value		
			on date of marriage	on valuation date	today
85. TOTAL VALUE OF ACCOUNTS, SAVINGS, SECURITIES AND PENSIONS			\$		

PART 7(d): LIFE AND DISABILITY INSURANCE

List all policies in existence on the dates in each of the columns below.

Company, Type & Policy No.	Owner	Beneficiary	Face Amount	Cash Surrender Value		
				on date of marriage	on valuation date	today
86. TOTAL CASH SURRENDER VALUE OF INSURANCE POLICIES				\$		

PART 7(e): BUSINESS INTERESTS

Show any interest in an unincorporated business owned on the dates in each of the columns below. An interest in an incorporated business may be shown here or under "BANK ACCOUNTS, SAVINGS, SECURITIES, AND PENSIONS" in Part 7(c). Give your best estimate of the market value of your interest.

Name of Firm or Company	Interest	Estimated Market Value of YOUR Interest		
		on date of marriage	on valuation date	today
87. TOTAL VALUE OF BUSINESS INTERESTS		\$		

Continued on next sheet. →

Form 13.1: Financial Statement (Property and Support Claims) (page 7)

Court file number

PART 7(f): MONEY OWED TO YOU

Give details of all money that other persons owe to you on the dates in each of the columns below, whether because of business or from personal dealings. Include any court judgments in your favour, any estate money and any income tax refunds owed to you.

Details	Amount Owed to You		
	on date of marriage	on valuation date	today
88. TOTAL OF MONEY OWED TO YOU		\$	

PART 7(g): OTHER PROPERTY

Show other property or assets owned on the dates in each of the columns below. Include property of any kind not listed above. Give your best estimate of market value.

Category	Details	Estimated Market Value of YOUR Interest		
		on date of marriage	on valuation date	today
89. TOTAL VALUE OF OTHER PROPERTY		\$		
90. VALUE OF ALL PROPERTY OWNED ON THE VALUATION DATE (Add items [83] to [89].)		\$		

PART 8: DEBTS AND OTHER LIABILITIES

Show your debts and other liabilities on the dates in each of the columns below. List them by category such as mortgages, charges, liens, notes, credit cards, and accounts payable. Don't forget to include:

- any money owed to the Canada Customs and Revenue Agency;
- contingent liabilities such as guarantees or warranties given by you (but indicate that they are contingent); and
- any unpaid legal or professional bills as a result of this case.

Category	Details	Amount Owing		
		on date of marriage	on valuation date	today
91. TOTAL OF DEBTS AND OTHER LIABILITIES		\$		

Continued on other side. →

PART 9: PROPERTY, DEBTS AND OTHER LIABILITIES ON DATE OF MARRIAGE

Show by category the value of your property and your debts and other liabilities as of the date of your marriage. DO NOT INCLUDE THE VALUE OF A MATRIMONIAL HOME THAT YOU OWNED ON THE DATE OF MARRIAGE IF THIS PROPERTY IS STILL A MATRIMONIAL HOME ON VALUATION DATE.

Category and details	Value on date of marriage	
	Assets	Liabilities
Land		
General household items & vehicles		
Bank accounts, savings, securities & pensions		
Life & disability insurance		
Business interests		
Money owed to you		
Other property <i>(Specify.)</i>		
Debts and other liabilities <i>(Specify.)</i>		
TOTALS	\$	\$
92. NET VALUE OF PROPERTY OWNED ON DATE OF MARRIAGE <i>(From the total of the "Assets" column, subtract the total of the "Liabilities" column.)</i>	\$	
93. VALUE OF ALL DEDUCTIONS <i>(Add items [91] and [92].)</i>	\$	

PART 10: EXCLUDED PROPERTY

Show by category the value of property owned on the valuation date that is excluded from the definition of "net family property" (such as gifts or inheritances received after marriage).

Category	Details	Value on valuation date
94. TOTAL VALUE OF EXCLUDED PROPERTY		\$

Continued on next sheet →

RÈGLEMENT DE L'ONTARIO 92/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 11 février 2003
approuvé le 19 mars 2003
déposé le 21 mars 2003

modifiant le Règl. de l'Ont. 114/99
(Règles en matière de droit de la famille)

Remarque : Depuis la fin de 2002, le Règlement de l'Ontario 114/99 a été modifié par les Règlements de l'Ontario 56/03 et 91/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Le paragraphe 13 (1) du Règlement de l'Ontario 114/99 est abrogé et remplacé par ce qui suit :

ÉTAT FINANCIER JOINT À UNE REQUÊTE, À UNE DÉFENSE OU À UNE MOTION

(1) Si une requête, une défense ou un avis de motion comporte une demande d'aliments, une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu :

- a) d'une part, la partie qui présente la demande signifie et dépose un état financier (formule 13 ou 13.1) avec le document qui contient la demande;
- b) d'autre part, la partie contre laquelle est présentée la demande signifie et dépose un état financier dans le délai prévu pour signifier et déposer une défense, une réponse ou un affidavit en réponse à la motion, que cette partie signifie ou non une défense, une réponse ou un affidavit en réponse à la motion.

FORMULE 13 : DEMANDE D'ALIMENTS SANS DEMANDE PORTANT SUR DES BIENS

(1.1) Si la requête, la défense ou l'avis de motion comporte une demande d'aliments, mais non une demande portant sur des biens ni une demande portant sur la possession exclusive du foyer conjugal et de son contenu, l'état financier utilisé par les parties en application des présentes règles est rédigé selon la formule 13.

FORMULE 13.1 : DEMANDE PORTANT SUR DES BIENS AVEC OU SANS DEMANDE D'ALIMENTS

(1.2) Si la requête, la défense ou l'avis de motion comporte une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, l'état financier utilisé par les parties en application des présentes règles est rédigé selon la formule 13.1, qu'une demande d'aliments soit également comprise ou non.

EXCEPTION : CERTAINES DEMANDES D'ALIMENTS

(1.3) Si la seule demande d'aliments que comporte la requête, la défense ou l'avis de motion est une demande d'aliments pour les enfants correspondant à la somme précisée dans la table des lignes directrices applicables sur les aliments pour les enfants, la partie qui présente la demande n'est pas tenue de déposer un état financier, sauf si la requête, la réponse ou l'avis de motion comporte également une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu.

DISPOSITION TRANSITOIRE

(1.4) Quiconque dépose un état financier ou un nouvel état financier le 28 avril 2003 ou par la suite doit utiliser la formule 13 ou la formule 13.1, selon le cas, telle qu'elle est prise par le Règlement de l'Ontario 092/03, même si la cause a été introduite avant cette date.

(2) Le paragraphe 13 (2) du Règlement est modifié par substitution de «une défense ou un avis de motion» à «une défense, une réponse ou un avis de motion».

(3) Le paragraphe 13 (3) du Règlement est abrogé et remplacé par ce qui suit :

ÉTATS FINANCIERS DANS LES CAUSES PORTANT SUR LA GARDE D'UN ENFANT ET LE DROIT DE VISITE À UN ENFANT

(3) Si une requête, une défense ou un avis de motion comporte une demande de garde d'un enfant ou de droit de visite à un enfant et que la présente règle n'exige pas par ailleurs que les parties signifient et déposent des états financiers, le tribunal peut ordonner à chaque partie de signifier et de déposer un état financier rédigé selon la formule 13 dans le délai qu'il fixe.

(4) Le paragraphe 13 (7) du Règlement est abrogé et remplacé par ce qui suit :

DOCUMENTS FISCAUX REQUIS

(7) Le greffier ne peut accepter le dépôt de l'état financier d'une partie sans que, selon le cas :

- a) des copies des déclarations de revenus et des avis de cotisation de la partie relatifs aux trois années d'imposition précédentes soient jointes comme l'exige la formule;
- b) l'état financier comprenne une directive de la partie signée à l'intention de l'Agence des douanes et du revenu du Canada (formule 13A) aux fins de divulgation des imprimés des revenus et déductions de la partie;
- c) l'état financier comprenne une déclaration sous serment selon laquelle la partie n'est pas tenue de déposer une déclaration de revenus en raison de la *Loi sur les Indiens* (Canada).

2. La règle 23 du Règlement est modifiée par adjonction du paragraphe suivant :

SIGNIFICATION DE «VILLE»

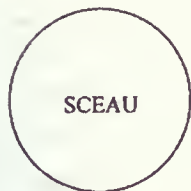
(4.1) Pour l'application du paragraphe (4), une municipalité est considérée comme une ville si elle en était une le 31 décembre 2002.

3. (1) Les formules 8 et 8A du Règlement sont abrogées et remplacées par ce qui suit :

Formule 8

Loi sur les tribunaux judiciaires

REQUÊTE



situé(e) au

(Nom du tribunal)

Adresse du greffe

Numéro de dossier du greffe

Formule 8 : Requête
(formule générale)

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À L'/AUX INTIMÉ(E)(S) :

UNE CAUSE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT CE TRIBUNAL. LES PRÉCISIONS À CE SUJET FIGURENT SUR LES PAGES CI-JOINTES.

☐ LA PREMIÈRE DATE D'AUDIENCE EST FIXÉE AU (date) À (heure), ou dès que possible par la suite au: (adresse)

REMARQUE : S'il s'agit d'une cause de divorce, aucune date ne sera fixée à moins qu'une Défense ne soit déposée. Si un avis de motion vous a également été signifié, une date d'audience antérieure peut être fixée et vous ou votre avocat devriez vous présenter au tribunal pour l'audition de la motion.

☐ CETTE CAUSE EST RÉGIE PAR LA VOIE ACCÉLÉRÉE DU SYSTÈME DE GESTION DES CAUSES. Un juge responsable de la gestion de la cause y sera affecté avant qu'un juge n'en soit saisi pour la première fois.

☐ CETTE CAUSE EST RÉGIE PAR LA VOIE ORDINAIRE DU SYSTÈME DE GESTION DES CAUSES. Aucune date d'audience n'a été fixée, mais si un avis de motion vous a été signifié, il porte une date d'audience et vous ou votre avocat devriez vous présenter au tribunal pour l'audition de la motion. Un juge responsable de la gestion de la cause sera affecté à la cause uniquement lorsque le greffier du tribunal aura fixé une date pour la tenue d'une conférence relative à la cause à la demande d'une partie ou qu'un avis de motion prévu au paragraphe 14 (5) aura été signifié avant la tenue d'une conférence relative à la cause. Si la date du procès n'a pas été fixée après 200 jours, le greffier du tribunal enverra un avertissement aux parties selon lequel la cause sera rejetée dans les 30 jours à moins qu'elles ne déposent la preuve que la cause a été réglée ou à moins que l'une d'elles ne demande la tenue d'une conférence relative à la cause ou d'une conférence en vue d'un règlement amiable.

SI VOUS DÉSIREZ VOUS OPPOSER À UNE DEMANDE DANS LA PRÉSENTE CAUSE, vous ou votre avocat devez préparer une Défense (formule 10 — un exemplaire devrait être joint), en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un Affidavit de signification (formule 6B). VOUS NE DISPOSEZ QUE DE 30 JOURS APRÈS QUE LA PRÉSENTE REQUÊTE VOUS EST SIGNIFIÉE (60 JOURS SI ELLE VOUS EST SIGNIFIÉE À L'EXTÉRIEUR DU CANADA OU DES ÉTATS-UNIS) POUR SIGNIFIER ET DÉPOSER UNE DÉFENSE. SI VOUS NE LE FAITES PAS, LA CAUSE SE POURSUIVRA SANS VOUS ET LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE ET L'EXÉCUTER CONTRE VOUS.

Suite au verso →

Formule 8 : Requête (formule générale) (page 2)

Numéro de dossier du greffe

Cochez la case du paragraphe ci-contre qui s'applique à votre cause.

- ☐ Cette cause comprend une demande d'aliments. Elle ne comprend pas de demande portant sur des biens ni de demande portant sur la possession exclusive du foyer conjugal et de son contenu. Vous **DEVEZ** remplir un État financier (formule 13 — un exemplaire est joint), en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un Affidavit de signification, même si vous ne présentez pas de défense dans cette cause.
- ☐ Cette cause comprend une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu. Vous **DEVEZ** remplir un État financier (formule 13.1 — un exemplaire est joint), en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un Affidavit de signification, même si vous ne présentez pas de défense dans cette cause.

SI VOUS DÉSIREZ PRÉSENTER VOTRE PROPRE DEMANDE, vous ou votre avocat devez remplir la section réservée à la demande dans la Défense, en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un Affidavit de signification.

- Si vous désirez présenter une demande d'aliments, mais non une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, vous **DEVEZ** remplir un État financier (formule 13), en signifier une copie aux requérants et en déposer une copie au greffe.
- Toutefois, si votre unique demande d'aliments consiste en une demande d'aliments pour les enfants dont le montant est précisé dans les tables des Lignes directrices sur les aliments pour les enfants, vous n'avez pas à remplir, à signifier ni à déposer un État financier.
- Si vous désirez présenter une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, qu'elle comprenne ou non une demande d'aliments, vous **DEVEZ** remplir un État financier (formule 13.1), et non pas la formule 13), en signifier une copie aux requérants et en déposer une copie au greffe.

VOUS DEVRIEZ OBTENIR DES CONSEILS JURIDIQUES AU SUJET DE CETTE CAUSE IMMÉDIATEMENT. Si vous n'avez pas les moyens de payer un avocat, le bureau d'Aide juridique Ontario de votre localité pourra peut-être vous aider. (*Consultez l'annuaire téléphonique sous la rubrique AIDE JURIDIQUE.*)

Date de délivrance

Greffier du tribunal

Suite à la page suivante →

ANTÉCÉDENTS FAMILIAUX

REQUÉRANT(E) : Âge : Date de naissance (j, m, a) :
 Domicilié(e) à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé(e)? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

INTIMÉ(E) : Âge : Date de naissance (j, m, a) :
 Domicilié(e) à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé(e)? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

LIEN AVEC L'AUTRE PARTIE :

☐ Nous nous sommes mariés le (date) ☐ Nous avons commencé à vivre ensemble le (date)
☐ Nous nous sommes séparés le (date) ☐ Nous n'avons jamais vécu ensemble ☐ Nous vivons toujours ensemble

ENFANT(S) :

Énumérez tous les enfants concernés dans cette cause, même si aucune demande n'est présentée à leur égard.

Nom et prénom officiels	Âge	Date de naissance (j, m, a)	Domicilié(e) à (municipalité et province)	Habite actuellement avec (nom de la personne et lien de parenté avec l'enfant)

CAUSES OU ACCORDS ANTÉRIEURS

Les parties ou les enfants ont-ils déjà pris part à une cause judiciaire?

☐ Non ☐ Oui (Joignez un Résumé des causes — formule 8E.)

Les parties ont-elles conclu un accord écrit au sujet d'une question en litige dans cette cause?

☐ Non ☐ Oui (Indiquez la date de l'accord et les conditions de celui-ci qui sont en litige. Joignez des pages supplémentaires au besoin.)

Suite au verso →

Formule 8 : Requête (formule générale) (page 4)

Numéro de dossier du greffe

DEMANDE DU/DE LA REQUÉRANT(E)**JE DEMANDE AU TRIBUNAL CE QUI SUIT :***(Les demandes ci-dessous comprennent les demandes d'ordonnance temporaire.)*

Demandes visées par la Loi sur le divorce (Cochez les cases de la présente colonne uniquement si vous demandez un divorce et que votre cause est devant la Cour de la famille de la Cour supérieure de justice.)	Demandes visées par la Loi sur le droit de la famille ou la Loi portant réforme du droit de l'enfance	Demandes portant sur des biens (Cochez les cases de la présente colonne uniquement si votre cause est devant la Cour de la famille de la Cour supérieure de justice.)
00 <input type="checkbox"/> un divorce 01 <input type="checkbox"/> des aliments pour moi-même 02 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme figurant dans la table) 03 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table) 04 <input type="checkbox"/> la garde d'un ou de plusieurs enfants 05 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants	10 <input type="checkbox"/> des aliments pour moi-même 11 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme figurant dans la table) 12 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table) 13 <input type="checkbox"/> la garde d'un ou de plusieurs enfants 14 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants 15 <input type="checkbox"/> une ordonnance de ne pas faire/de non-harcèlement 16 <input type="checkbox"/> une indexation des aliments du conjoint 17 <input type="checkbox"/> une indexation des aliments du partenaire de même sexe 18 <input type="checkbox"/> une déclaration de liens de filiation 19 <input type="checkbox"/> une tutelle à l'égard des biens de l'enfant	20 <input type="checkbox"/> l'égalisation des biens familiaux nets 21 <input type="checkbox"/> la possession exclusive du foyer conjugal 22 <input type="checkbox"/> la possession exclusive du contenu du foyer conjugal 23 <input type="checkbox"/> le gel des avoirs 24 <input type="checkbox"/> la vente de biens familiaux
Autres demandes 30 <input type="checkbox"/> les dépens 31 <input type="checkbox"/> l'annulation du mariage 32 <input type="checkbox"/> les intérêts antérieurs au jugement	50 <input type="checkbox"/> Autre (Précisez.)	

Donnez des précisions au sujet de l'ordonnance que vous demandez au tribunal. (Indiquez les montants des aliments (s'ils sont connus) et le nom des enfants à l'égard desquels des aliments, la garde ou le droit de visite sont demandés.)

Suite à la page suivante →

FAITS IMPORTANTS À L'APPUI DE MA REQUÊTE EN DIVORCE

- ☐ **Séparation :** Les conjoints sont séparés depuis le (date) et
- ☐ n'ont pas vécu ensemble depuis cette date dans une vaine tentative de réconciliation.
- ☐ ont vécu ensemble pendant la ou les périodes suivantes dans une vaine tentative de réconciliation : (Précisez les dates.)
- ☐ **Adultère :** L'intimé(e) a commis l'adultère. (Précisez. Il n'est pas nécessaire de nommer une autre personne, mais si vous le faites, vous devez alors lui signifier la présente requête.)
- ☐ **Cruauté :** L'intimé(e) a fait preuve d'une telle cruauté physique ou mentale à l'égard du/de la requérant(e) que la cohabitation est devenue intolérable. (Précisez.)

FAITS IMPORTANTS À L'APPUI DE MES AUTRES DEMANDES

(Énoncez ci-dessous les faits qui constituent le fondement juridique de vos autres demandes. Joignez des pages supplémentaires au besoin.)

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des feuilles supplémentaires.

Date de la signature

Signature du/de la requérant(e)

Causes de divorce seulement

ATTESTATION DE L'AVOCAT

Je m'appelle :

et je suis l'avocat(e) du/de la requérant(e) dans cette cause de divorce. J'atteste m'être conformé(e) aux exigences de l'article 9 de la Loi sur le divorce.

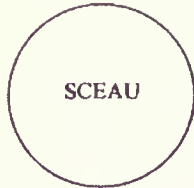
Date

Signature de l'avocat

Formule 8A

Loi sur les tribunaux judiciaires

REQUÊTE EN DIVORCE



situé(e) au

(Nom du tribunal)

Numéro de dossier du greffe

Formule 8A : Requête en divorce ☐ individuelle ☐ conjointe

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

☐ IL S'AGIT D'UNE CAUSE DANS LAQUELLE, LE/LA REQUÉRANT(E) NE DEMANDE QUE LE DIVORCE.

À L'/AUX INTIMÉ(E)(S) : UNE CAUSE DE DIVORCE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT CE TRIBUNAL. LES PRÉCISIONS À CE SUJET FIGURENT SUR LES PAGES CI-JOINTES.

CETTE CAUSE EST RÉGIE PAR LA VOIE ORDINAIRE DU SYSTÈME DE GESTION DES CAUSES. Aucune date d'audience n'a été fixée, mais si un avis de motion vous a été signifié, il porte une date d'audience et vous ou votre avocat devriez vous présenter au tribunal pour l'audition de la motion. Un juge responsable de la gestion de la cause sera affecté à la cause uniquement lorsque le greffier du tribunal aura fixé une date pour la tenue d'une conférence relative à la cause à la demande d'une partie ou qu'un avis de motion prévu au paragraphe 14 (5) aura été signifié avant la tenue d'une conférence relative à la cause. Si la date du procès n'a pas été fixée après 200 jours, le greffier du tribunal enverra un avertissement aux parties selon lequel la cause sera rejetée dans les 30 jours à moins qu'elles ne déposent la preuve que la cause a été réglée ou à moins que l'une d'elles ne demande la tenue d'une conférence relative à la cause ou d'une conférence en vue d'un règlement amiable.

SI VOUS DÉSIREZ VOUS OPPOSER À UNE DEMANDE DANS LA PRÉSENTE CAUSE, vous ou votre avocat devez préparer une Défense (formule 10 — un exemplaire devrait être joint), en signifier une copie au/à la requérant(e) et en déposer une copie au greffe, accompagnée d'un Affidavit de signification (formule 6B). **VOUS NE DISEPOSEZ QUE DE 30 JOURS APRÈS QUE LA PRÉSENTE REQUÊTE VOUS EST SIGNIFIÉE (60 JOURS SI ELLE VOUS EST SIGNIFIÉE À L'EXTÉRIEUR DU CANADA OU DES ÉTATS-UNIS) POUR SIGNIFIER ET DÉPOSER UNE DÉFENSE. SI VOUS NE LE FAITES PAS, LA CAUSE SE POURSUIVRA SANS VOUS ET LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE ET L'EXÉCUTER CONTRE VOUS.**

SI VOUS DÉSIREZ PRÉSENTER VOTRE PROPRE DEMANDE, vous ou votre avocat devez remplir la section réservée à la demande dans la Défense, en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un Affidavit de signification.

- Si vous désirez présenter une demande d'aliments, mais non une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, vous **DEVEZ** remplir un État financier (formule 13), en signifier une copie aux requérants et en déposer une copie au greffe.
- Toutefois, si votre unique demande d'aliments consiste en une demande d'aliments pour les enfants dont le montant est précisé dans les tables des Lignes directrices sur les aliments pour les enfants, vous n'avez pas à remplir, à signifier ni à déposer un État financier.
- Si vous désirez présenter une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, qu'elle comprenne ou non une demande d'aliments, vous **DEVEZ** remplir un État financier (formule 13.1, et non pas la formule 13), en signifier une copie aux requérants et en déposer une copie au greffe.

VOUS DEVRIEZ OBTENIR DES CONSEILS JURIDIQUES AU SUJET DE CETTE CAUSE IMMÉDIATEMENT.

Si vous n'avez pas les moyens de payer un avocat, le bureau d'Aide juridique Ontario de votre localité pourra peut-être vous aider. (Consultez l'annuaire téléphonique sous la rubrique AIDE JURIDIQUE.)

Suite au verso →

Formule 8A : Requête en divorce (page 2)

Numéro de dossier du greffe

☐ **CETTE CAUSE CONSTITUE UNE REQUÊTE CONJOINTE EN DIVORCE. LES PRÉCISIONS À CE SUJET FIGURENT SUR LES PAGES CI-JOINTES.** La requête et les affidavits à l'appui seront présentés à un juge lorsque les documents auront été vérifiés pour s'assurer qu'ils sont complets.

Si vous demandez autre chose qu'un simple divorce, notamment des aliments, des biens ou la possession exclusive du foyer conjugal et de son contenu, reportez-vous à la page 1 pour lire les instructions sur l'État financier que vous devriez déposer.

*Date de délivrance*_____
*Greffier du tribunal**Suite à la page suivante ->*

Formule 8A : Requête en divorce (page 3)

Numéro de dossier du greffe

ANTÉCÉDENTS FAMILIAUX

ÉPOUX : Âge : Date de naissance (j, m, a) :
 Domicilié à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

ÉPOUSE : Âge : Date de naissance (j, m, a) :
 Domiciliée à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcée? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

LIEN AVEC L'AUTRE PARTIE :

☐ Nous nous sommes mariés le (date) ☐ Nous avons commencé à vivre ensemble le (date)
☐ Nous nous sommes séparés le (date) ☐ Nous n'avons jamais vécu ensemble

ENFANT(S) :

Énumérez tous les enfants concernés dans cette cause, même si aucune demande n'est présentée à leur égard.

Nom et prénom officiels	Âge	Date de naissance (j, m, a)	Domicilié(e) à (municipalité et province)	Habite actuellement avec (nom de la personne et lien de parenté avec l'enfant)

CAUSES OU ACCORDS ANTÉRIEURS

Les parties ou les enfants ont-ils déjà pris part à une cause judiciaire?

☐ Non ☐ Oui (Joignez un Résumé des causes — formule 8E.)

Les parties ont-elles conclu un accord écrit au sujet d'une question en litige dans cette cause?

☐ Non ☐ Oui (Indiquez la date de l'accord et les conditions de celui-ci qui sont en litige. Joignez des pages supplémentaires au besoin.)

Suite au verso →

DEMANDES

N'UTILISEZ LE PRÉSENT BLOC QUE SI CETTE CAUSE CONSISTE EN UNE REQUÊTE CONJOINTE EN DIVORCE.

NOUS DEMANDONS CONJOINTEMENT AU TRIBUNAL CE QUI SUIT :

Demandes visées par la Loi sur le divorce

- 00 ☐ un divorce
 01 ☐ des aliments pour le conjoint
 02 ☐ des aliments pour un ou plusieurs enfants (somme figurant dans la table)
 03 ☐ des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table)
 04 ☐ la garde d'un ou de plusieurs enfants
 05 ☐ le droit de visite à un ou plusieurs enfants

Demandes visées par la Loi sur le droit de la famille ou la Loi portant réforme du droit de l'enfance

- 10 ☐ des aliments pour le conjoint
 11 ☐ des aliments pour un ou plusieurs enfants (somme figurant dans la table)
 12 ☐ des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table)
 13 ☐ la garde d'un ou de plusieurs enfants
 14 ☐ le droit de visite à un ou plusieurs enfants
 15 ☐ une ordonnance de ne pas faire/de non-harcèlement
 16 ☐ une indexation des aliments du conjoint
 17 ☐ une déclaration de liens de filiation
 18 ☐ une tutelle à l'égard des biens de l'enfant

Demandes portant sur des biens

- 20 ☐ l'égalisation des biens familiaux nets
 21 ☐ la possession exclusive du foyer conjugal
 22 ☐ la possession exclusive du contenu du foyer conjugal
 23 ☐ le gel des avoirs
 24 ☐ la vente de biens familiaux

Autres demandes

- 30 ☐ les dépens
 31 ☐ l'annulation du mariage
 32 ☐ les intérêts antérieurs au jugement
 50 ☐ Autre (Précisez.)

N'UTILISEZ LE PRÉSENT BLOC QUE SI LE REQUÉRANT NE DEMANDE QUE LE DIVORCE DANS CETTE CAUSE.

JE DEMANDE AU TRIBUNAL CE QUI SUIT :

(Cochez s'il y a lieu.)

- 00 ☐ un divorce
 30 ☐ les dépens

FAITS IMPORTANTS À L'APPUI DE LA REQUÊTE EN DIVORCE

- ☐ **Séparation :** Les conjoints sont séparés depuis le (date) et
☐ n'ont pas vécu ensemble depuis cette date dans une vaine tentative de réconciliation.
☐ ont vécu ensemble pendant la ou les périodes suivantes dans une vaine tentative de réconciliation :
 (Précisez les dates.)
- ☐ **Adulère :** (Nom du conjoint) a commis l'adultère.
 (Précisez. Il n'est pas nécessaire de nommer une autre personne, mais si vous le faites, vous devez alors lui signifier la présente requête.)
- ☐ **Cruauté :** (Nom du conjoint) a fait preuve d'une telle cruauté physique ou mentale à l'égard de (nom du conjoint) que la cohabitation est devenue intolérable. (Précisez.)

Suite à la page suivante →

Formule 8A : Requête en divorce (page 5)

Numéro de dossier du greffe

N'UTILISEZ LE PRÉSENT BLOC QUE SI CETTE CAUSE CONSISTE EN UNE REQUÊTE CONJOINTE EN DIVORCE.

Les détails de l'autre ou des autres ordonnances que nous demandons conjointement au tribunal sont les suivants : (Indiquez les montants des aliments et le nom des enfants à l'égard desquels des aliments, la garde ou le droit de visite doivent faire l'objet d'une ordonnance.)

FAITS IMPORTANTS À L'APPUI DE NOS DEMANDES

(Énoncez ci-dessous les faits qui constituent le fondement juridique de vos demandes. Joignez des pages supplémentaires au besoin.)

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

S'il s'agit d'une requête conjointe en divorce, les deux conjoints apposent leur signature ci-dessous. Par contre, s'il s'agit d'une requête dans laquelle le/la requérant(e) ne demande que le divorce, seuls vous et votre avocat apposez vos signatures ci-dessous et vous devriez biffer en conséquence l'espace réservé à la signature de votre conjoint et à la date correspondante.

Date de la signature

Signature de l'époux requérant

Date de la signature

Signature de l'épouse requérante

ATTESTATION DE L'AVOCAT

Je m'appelle :
et je suis l'avocat(e) de (nom) dans cette cause de divorce. J'atteste
m'être conformé(e) aux exigences de l'article 9 de la Loi sur le divorce.

Date

Signature de l'avocat(e)

(2) Les formules 10 et 10A du Règlement sont abrogées et remplacées par ce qui suit :

Formule 10

Loi sur les tribunaux judiciaires

DÉFENSE

Numéro de dossier du greffe

(Nom du tribunal)

Formule 10 : Défense

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de la personne qui représente l'avocat(e) des enfants aux fins de signification (numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)) et nom de la personne représentée.

INSTRUCTIONS : État financier

REPLISSEZ UN ÉTAT FINANCIER (formule 13) SI, selon le cas :

- vous présentez une demande d'aliments pour le conjoint ou vous y répondez;
- vous répondez à une demande d'aliments pour les enfants;
- vous présentez une demande d'aliments pour les enfants d'un montant qui diffère de celui qui est précisé dans les tables des Lignes directrices sur les aliments pour les enfants.

Vous devez remplir toutes les sections de la formule SAUF SI vous répondez UNIQUEMENT à une demande d'aliments pour les enfants dont le montant est précisé dans les tables des Lignes directrices sur les aliments pour les enfants ET que vous êtes d'accord avec la demande. Dans ce cas, ne remplissez que les sections 1, 2 et 3.

REPLISSEZ UN ÉTAT FINANCIER (formule 13.1) SI, selon le cas :

- vous présentez une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, ou vous y répondez;
- vous présentez une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, assorti d'autres demandes de redressement, ou vous y répondez.

AU/À LA/AUX REQUÉRANT(E)(S) :

Si vous présentez une demande contre une personne qui n'est pas le/la requérant(e), indiquez les nom et adresse de la personne ici.

ET À : (nom et prénom officiels)

, intimé(e) joint(e),

domicilié(e) au : (adresse de la partie jointe)

Mon nom est (nom et prénom officiels)

1. Je suis d'accord avec les demandes suivantes du/de la requérant(e) : (Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de requête.)

Suite au verso →

Formule 10 : Défense (page 2)

Numéro de dossier du greffe

2. Je ne suis pas d'accord avec les demandes suivantes du/de la requérant(e) : (Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de requête.)
3. ☐ Je demande que la demande du/de la requérant(e) (sauf les parties avec lesquelles je suis d'accord) soit rejetée avec les dépens.
4. ☐ Je présente ma propre demande.
(Joignez la page 3, intitulée «Demande de l'intimé(e)», s'il y a lieu.)
5. ☐ Les ANTÉCÉDENTS FAMILIAUX, tels qu'ils sont énoncés dans la requête, ☐ sont exacts.
☐ sont inexacts.
(S'ils sont inexacts, joignez votre propre page d'ANTÉCÉDENTS FAMILIAUX et surlignez les parties qui diffèrent de la version du/de la requérant(e).)
6. Les faits importants qui constituent le fondement juridique de la position que j'avance au numéro 2 sont les suivants :
(Sous forme de paragraphes numérotés, énoncez les faits en question. Joignez des pages supplémentaires au besoin et numérotez-les.)

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

Date de la signature

Signature de l'intimé(e)

Suite à la page suivante →

DEMANDE DE L'INTIMÉ(E)

Remplissez une page distincte pour chaque personne contre laquelle vous présentez vos demandes.

7. LA PRÉSENTE DEMANDE EST PRÉSENTÉE CONTRE

☐ LE/LA REQUÉRANT(E)

☐ UNE PARTIE JOINTE, soit (nom et prénom officiels)

(Si votre demande est présentée contre une partie jointe, assurez-vous que son nom figure à la page 1 de la présente formule.)

8. JE DEMANDE AU TRIBUNAL CE QUI SUIT :

(Les demandes ci-dessous comprennent les demandes d'ordonnance temporaire.)

Demandes visées par la Loi sur le divorce <i>(Cochez les cases de la présente colonne uniquement si vous demandez un divorce et que votre cause est devant la Cour de la famille de la Cour supérieure de justice.)</i>	Demandes portant sur des biens <i>(Cochez les cases de la présente colonne uniquement si votre cause est devant la Cour de la famille de la Cour supérieure de justice.)</i>	Demandes portant sur la protection d'un ou de plusieurs enfants
00 <input type="checkbox"/> un divorce 01 <input type="checkbox"/> des aliments pour moi-même 02 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme figurant dans la table) 03 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table) 04 <input type="checkbox"/> la garde d'un ou de plusieurs enfants 05 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants	20 <input type="checkbox"/> l'égalisation des biens familiaux nets 21 <input type="checkbox"/> la possession exclusive du foyer conjugal 22 <input type="checkbox"/> la possession exclusive du contenu du foyer conjugal 23 <input type="checkbox"/> le gel des avoirs 24 <input type="checkbox"/> la vente de biens familiaux	40 <input type="checkbox"/> le droit de visite 41 <input type="checkbox"/> une ordonnance de protection moindre 42 <input type="checkbox"/> leur retour à mes soins 43 <input type="checkbox"/> leur placement sous les soins de (nom) 44 <input type="checkbox"/> leur placement en tant que pupilles de la société d'aide à l'enfance pendant mois 45 <input type="checkbox"/> leur surveillance par la société
Demandes visées par la Loi sur le droit de la famille ou la Loi portant réforme du droit de l'enfance	Autres demandes	
10 <input type="checkbox"/> des aliments pour moi-même 11 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme figurant dans la table) 12 <input type="checkbox"/> des aliments pour un ou plusieurs enfants (somme autre que celle figurant dans la table) 13 <input type="checkbox"/> la garde d'un ou de plusieurs enfants 14 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants 15 <input type="checkbox"/> une ordonnance de ne pas faire/de non-harcèlement 16 <input type="checkbox"/> une indexation des aliments du conjoint 17 <input type="checkbox"/> une indexation des aliments du partenaire de même sexe 18 <input type="checkbox"/> une déclaration de liens de filiation 19 <input type="checkbox"/> une tutelle à l'égard des biens de l'enfant	30 <input type="checkbox"/> les dépens 31 <input type="checkbox"/> l'annulation du mariage 32 <input type="checkbox"/> les intérêts antérieurs au jugement	
50 <input type="checkbox"/> Autre (Précisez.)		

Donnez des précisions sur l'ordonnance que vous demandez au tribunal. (Indiquez les montants des aliments (s'ils sont connus) et le nom des enfants à l'égard desquels des aliments, la garde ou le droit de visite sont demandés.)

Suite au verso →

Formule 10 : Défense (page 4)

Numéro de dossier du greffe

FAITS IMPORTANTS À L'APPUI DE MES DEMANDES

(Sous forme de paragraphes numérotés, énoncez les faits qui constituent le fondement juridique de vos demandes. Joignez des pages supplémentaires au besoin et numérotez-les.)

Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

Date de la signature

Signature de l'intimé(e)

Formule 10A
Loi sur les tribunaux judiciaires
RÉPONSE

	Numéro de dossier du greffe
<i>(Nom du tribunal)</i>	
situé(e) au	
<i>Adresse du greffe</i>	

Formule 10A : Réponse
☐ **du/de la requérant(e)**
☐ **de l'intimé(e) joint(e)**

Requérant(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)</i>
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Intimé(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)</i>
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Avocat des enfants

<i>Nom et adresse de la personne qui représente l'avocat(e) des enfants aux fins de signification (numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)) et nom de la personne représentée.</i>
--

INSTRUCTIONS : État financier

REMPLISSEZ UN ÉTAT FINANCIER (formule 13) SI, selon le cas :

- vous répondez à une demande d'aliments pour le conjoint;
- vous répondez à une demande d'aliments pour les enfants.

Vous devez remplir toutes les sections de la formule SAUF SI vous répondez **UNIQUEMENT** à une demande d'aliments pour les enfants dont le montant est précisé dans les tables des Lignes directrices sur les aliments pour les enfants ET que vous êtes d'accord avec la demande. Dans ce cas, ne remplissez que les sections 1, 2 et 3.

REMPLISSEZ UN ÉTAT FINANCIER (formule 13.1) SI, selon le cas :

- vous répondez à une demande portant sur des biens ou à une demande portant sur la possession exclusive du foyer conjugal et de son contenu;
- vous répondez à une demande portant sur des biens ou à une demande portant sur la possession exclusive du foyer conjugal et de son contenu, assortie d'autres demandes de redressement.

À TOUTES LES PARTIES :

1. Je m'appelle (*nom et prénom officiels*)
2. Je suis d'accord avec les demandes suivantes de l'intimé(e) : (*Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de défense.*)
3. Je ne suis pas d'accord avec les demandes suivantes de l'intimé(e) : (*Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de défense.*)
4. ☐ Je demande que la demande de l'intimé(e) (sauf les parties avec lesquelles je suis d'accord) soit rejetée avec les dépens.

Suite au verso →

Formule 10A : Réponse (page 2)

Numéro de dossier du greffe

5. Les faits importants qui constituent le fondement juridique de la position que j'avance au numéro 3 sont les suivants :
(Sous forme de paragraphes numérotés, énoncez les faits en question. Joignez des pages supplémentaires au besoin et numérotez-les.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Date de la signature

Signature

(3) La formule 13 du Règlement est abrogée et remplacée par ce qui suit :

Formule 13

Loi sur les tribunaux judiciaires

ÉTAT FINANCIER

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

.....
Formule 13 :
État financier
(demandes d'aliments)
fait sous serment/affirmé
solennellement
.....

Requérant(e)s

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)s

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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INSTRUCTIONS

1. VOUS N'AVEZ PAS BESOIN DE REMPLIR LA PRÉSENTE FORMULE SI :

- votre unique demande d'aliments consiste en une demande d'aliments pour les enfants dont le montant est précisé dans les tables des Lignes directrices sur les aliments pour les enfants et que vous ne présentez pas une demande visée au paragraphe 3 ci-dessous, ni n'y répondez.

2. UTILISEZ LA PRÉSENTE FORMULE SI, selon le cas :

- vous présentez une demande d'aliments pour le conjoint ou vous y répondez;
- vous répondez à une demande d'aliments pour les enfants;
- vous présentez une demande d'aliments pour les enfants d'un montant qui diffère de celui qui est précisé dans les tables des Lignes directrices sur les aliments pour les enfants.

Vous devez remplir toutes les sections de la formule, SAUF SI vous répondez UNIQUEMENT à une demande d'aliments pour les enfants dont le montant est précisé dans les tables des Lignes directrices sur les aliments pour les enfants ET que vous êtes d'accord avec la demande. Dans ce cas, ne remplissez que les sections 1, 2 et 3.

3. N'UTILISEZ PAS LA PRÉSENTE FORMULE, MAIS UTILISEZ PLUTÔT LA FORMULE 13.1 SI, selon le cas :

- vous présentez une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, ou vous y répondez;
- vous présentez une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, assortie d'autres demandes de redressement, ou vous y répondez.

1. Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

Mon état financier, tel qu'il figure dans les (précisez le nombre) pages suivantes, est exact au mieux de ma connaissance et de ma croyance et rend compte de la situation financière au (date à laquelle les renseignements sont exacts) des personnes ci-dessous :

Cochez une ou plusieurs cases, selon les circonstances.

☐ moi-même

☐ la ou les personnes suivantes : (Donnez leur nom et leur lien de parenté avec vous.)

Suite au verso →

SECTION 4 : DÉPENSES TOTALES

pour la période de 12 mois allant du (date) au (date)

REMARQUE : Si vous devez remplir la présente section (voir les instructions à la page 1), vous devez indiquer vos frais de subsistance TOTAUX, y compris ceux pour les enfants qui habitent chez vous. Vous pouvez également utiliser la présente section pour établir un projet de budget. Pour ce faire, photocopiez la section 4, remplissez les parties nécessaires, remplacez le titre par «Projet de budget» et joignez le document à la présente formule.

GENRE DE DÉPENSES		Par mois
Logement		
29.	Loyer/hypothèque	
30.	Impôts fonciers et municipaux	
31.	Frais de condominium et dépenses communes	
32.	Eau	
33.	Électricité et combustible de chauffage	
34.	Téléphone	
35.	Câblodistribution et télévision payante	
36.	Assurance-habitation	
37.	Réparations domiciliaires, entretien, jardinage	
Total partiel — numéros [29] à [37]		
Nourriture, vêtements, transport, etc.		
38.	Épicerie	
39.	Repas pris à l'extérieur de la maison	
40.	Articles ménagers divers	
41.	Coiffure et articles de toilette	
42.	Blanchissage et nettoyage à sec	
43.	Vêtements	
44.	Transports en commun	
45.	Taxis	
46.	Assurance-automobile	
47.	Permis de conduire et immatriculation	
48.	Prêt-automobile	
49.	Entretien et réparation de la voiture	
50.	Essence et huile	
51.	Stationnement	
Total partiel — numéros [38] à [51]		
Soins de santé et soins médicaux (N'incluez pas les dépenses liées aux enfants.)		
52.	Soins dentaires ordinaires	
53.	Soins orthodontiques ou soins dentaires spéciaux	
54.	Médicaments	
55.	Lunettes ou verres de contact	
56.	Primes d'assurance-vie ou d'assurance temporaire	
Total partiel — numéros [52] à [56]		

GENRE DE DÉPENSES		Par mois
Enfants		
57.	Activités scolaires (sorties éducatives, etc.)	
58.	Repas pris à l'école	
59.	Frais scolaires, livres, etc. (enfants)	
60.	Camp d'été	
61.	Activités (cours de musique, clubs, sports)	
62.	Argent de poche	
63.	Gardiennage d'enfants	
64.	Garderie	
65.	Soins dentaires ordinaires	
66.	Soins orthodontiques ou soins dentaires spéciaux	
67.	Médicaments	
68.	Lunettes ou verres de contact	
Total partiel — numéros [57] à [68]		
Divers et autres		
69.	Livres pour la maison, journaux, revues, cassettes vidéo et disques compacts	
70.	Cadeaux	
71.	Oeuvres de bienfaisance	
72.	Alcool et tabac	
73.	Dépenses pour animaux domestiques	
74.	Frais scolaires, livres, droits, etc.	
75.	Sorties et loisirs	
76.	Vacances	
77.	Cartes de crédit (mais non pour les dépenses mentionnées ailleurs dans le présent état)	
78.	R.E.É.R. ou autres régimes d'épargne	
79.	Aliments réellement versés dans une autre cause	
80.	Impôt sur le revenu et cotisation au Régime de pensions du Canada (non prélevés à la source)	
81.	Autre (Précisez. Joignez une autre feuille au besoin.)	
Total partiel — numéros [69] à [81]		
82.	Total — numéros [29] à [81]	

RÉSUMÉ DU REVENU ET DES DÉPENSES

Revenu mensuel net (numéro [28] ci-dessus) = \$
 moins les dépenses mensuelles réelles (numéro [82] ci-dessus) = \$
EXCÉDENT/DÉFICIT MENSUEL RÉEL = \$

Suite au verso →

Formule 13 : État financier (demandes d'aliments) (page 4)

numéro de dossier du greffe

SECTION 5 : AUTRES RENSEIGNEMENTS RELATIFS AU REVENU

1. Je suis ☐ employé(e) par (nom et adresse de l'employeur)
- ☐ à mon compte et j'exerce mes activités commerciales sous le nom de (nom et adresse de l'entreprise)
- ☐ sans emploi depuis (dernière date à laquelle vous étiez employé(e))
2. Je joins les documents requis suivants (si vous déposez le présent état pour mettre à jour ou corriger un état antérieur, vous n'avez pas à joindre les déclarations de revenus déjà déposées auprès du tribunal) :
- ☐ soit une copie des déclarations de revenus que j'ai remises à l'Agence des douanes et du revenu du Canada pour les trois dernières années d'imposition, une copie des pièces qui y étaient jointes ainsi qu'une copie des avis de cotisation ou de nouvelle cotisation d'impôt que j'ai reçus de l'Agence pour ces années;
 - ☐ soit une déclaration de l'Agence des douanes et du revenu du Canada selon laquelle je n'ai produit aucune déclaration de revenus pour les trois dernières années;
 - ☐ soit une directive, rédigée selon la formule 13A, signée de ma main et adressée à la Direction de l'impôt de l'Agence des douanes et du revenu du Canada permettant la divulgation de mes déclarations de revenus et de mes avis de cotisation à l'autre partie pour les trois dernières années.
- Je joins la preuve de mon revenu actuel, y compris mon plus récent :
- ☐ talon de chèque de paie. ☐ talon de chèque d'assurance-emploi. ☐ talon de chèque d'indemnité d'accident du travail.
 - ☐ talon de chèque de pension. ☐ Autre. (Précisez.)
3. ☐ (Cochez s'il y a lieu.) Je suis un(e) Indien(ne) au sens de la Loi sur les Indiens (Canada). Tout mon revenu est exonéré d'impôt et je ne suis pas tenu(e) de remettre une déclaration de revenus. Par conséquent, je n'ai pas joint de déclaration de revenus pour les trois dernières années.

SECTION 6 : AUTRES MEMBRES DU MÉNAGE QUI GAGNENT UN REVENU

Ne remplissez la présente section que si vous présentez une demande pour difficultés excessives ou une demande d'aliments pour le conjoint. Indiquez au numéro 1 ou 2 si vous habitez avec une autre personne (par exemple, conjoint, partenaire de même sexe, colocataire ou locataire). Si vous remplissez le numéro 2, remplissez également les numéros 3 à 6.

1. ☐ J'habite seul(e).
2. J'habite avec (nom et prénom officiels de la personne)
3. Cette personne a (nombre) enfant(s) qui habite(nt) sous le même toit.
4. Cette personne ☐ travaille à/chez (lieu de travail ou d'activité)
☐ ne travaille pas à l'extérieur du foyer.
5. Cette personne ☐ gagne (montant) \$ par
☐ ne gagne rien.
6. Cette personne ☐ paie environ \$ par pour les dépenses du ménage.
☐ ne paie aucune des dépenses du ménage.

Suite à la page suivante →

SECTION 7 : BIENS

BIENS-FONDS

Genre de bien-fonds	Adresse du bien-fonds	Genre de droit de propriété (Indiquez le pourcentage de votre intérêt.)	Valeur marchande estimative de votre intérêt
83. VALEUR TOTALE			

ARTICLES DIVERS ET VÉHICULES (y compris articles ménagers et ameublement, bijoux, voitures, bateaux, outils, articles de sport et de loisirs)

Description (y compris emplacement, année et marque)	Valeur marchande estimative (pas le coût de remplacement)
84. VALEUR TOTALE	

COMPTES BANCAIRES, ÉPARGNE, VALEURS MOBILIÈRES ET FONDS DE PENSION (y compris R.E.É.R., autres régimes d'épargne, espèces, comptes auprès d'établissements financiers, actions, obligations, dépôts à terme et intérêts majoritaires dans une entreprise constituée en personne morale)

Article/Genre	Etablissement (y compris l'emplacement)/ Description (y compris l'émetteur et la date)	Numéro de compte	Date d'échéance	Montant/ Valeur marchande estimative
85. VALEUR TOTALE				

ASSURANCE-VIE ET INVALIDITÉ (Énumérez toutes les polices en vigueur.)

Compagnie, genre et numéro de police	Bénéficiaire	Capital assuré	Valeur de rachat actuelle
86. VALEUR TOTALE			

INTÉRÊTS DANS UNE ENTREPRISE (Indiquez tout intérêt dont vous êtes actuellement propriétaire dans une entreprise non constituée en personne morale.)

Nom de l'entreprise ou de la compagnie	Nature et emplacement de l'entreprise	Intérêt	Valeur marchande estimative de votre intérêt
87. VALEUR TOTALE			

CRÉANCES (y compris tout jugement du tribunal rendu en votre faveur, toute somme à laquelle vous avez droit dans le cadre d'une succession et tout remboursement d'impôt qui vous est dû.)

Précisions (y compris le nom des débiteurs)	Montant de la créance
88. TOTAL DES CRÉANCES	

AUTRES BIENS

Genre de bien	Description et emplacement	Valeur marchande estimative
89. VALEUR TOTALE DES AUTRES BIENS		

90. VALEUR DE TOUS LES BIENS

Additionnez les numéros [83] à [89]

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Suite au verso →

Formule 13 : État financier (demandes d'aliments) (page 6)

numéro de dossier du greffe

SECTION 8 : DETTES ET AUTRES OBLIGATIONS

Les dettes et autres obligations peuvent comprendre toute somme due à l'Agence des douanes et du revenu du Canada, les obligations éventuelles comme les garanties que vous avez données (précisez qu'elles sont éventuelles), les frais de justice ou honoraires non payés qui découlent de cette cause, les hypothèques, les charges, les privilèges, les billets, les cartes de crédit et les sommes à payer.

Genre de dette	Créancier	Précisions	Paielements mensuels	Somme totale due actuellement
Banque, compagnie de fiducie ou de financement, ou prêts d'une caisse populaire				
Sommes dues à des sociétés émettrices de cartes de crédit				
Autres dettes				
91. VALEUR TOTALE DES DETTES ET AUTRES OBLIGATIONS :				

SECTION 9 : RÉSUMÉ DES AVOIRS ET DES OBLIGATIONS

Sommes

VALEUR TOTALE DES AVOIRS (numéro [90] ci-dessus)	\$
moins VALEUR TOTALE DES DETTES (numéro [91] ci-dessus)	\$
92. VALEUR NETTE	\$

- ☐ Je ne prévois aucun changement dans ma situation financière.
- ☐ Je prévois les changements suivants dans ma situation financière :
- ☐ Je joins un projet de budget rédigé selon le modèle de la section 4 de la présente formule.

REMARQUE : Dès que vous découvrez que les renseignements contenus dans le présent état financier sont inexacts ou incomplets, ou que votre situation a subi un changement important qui influe ou influera sur les renseignements contenus dans le présent état financier, vous DEVEZ signifier à toutes les autres parties à cette cause et déposer auprès du tribunal :

- soit un nouvel état financier contenant des renseignements mis à jour,
- soit un affidavit rédigé selon la formule 14A qui précise les changements, s'ils sont mineurs.

Déclaré sous serment/Affirmé
solennellement devant moi à

_____ municipalité

en/à/au

_____ province, État ou pays

Le

_____ date

_____ commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères
d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en
présence d'un avocat, d'un juge de paix, d'un
notaire ou d'un commissaire aux affidavits.)

Formule 13.1
Loi sur les tribunaux judiciaires
ÉTAT FINANCIER

Numéro de dossier du greffe

.....
(Nom du tribunal)

situé(e) au
Adresse du greffe

.....
Formule 13.1 :
État financier
(demandes portant sur des
biens et demandes d'aliments)
fait sous serment/affirmé
solennellement
.....

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

INSTRUCTIONS

1. UTILISEZ LA PRÉSENTE FORMULE SI, selon le cas :

- vous présentez une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, ou vous y répondez;
- vous présentez une demande portant sur des biens ou une demande portant sur la possession exclusive du foyer conjugal et de son contenu, assortie d'autres demandes de redressement, ou vous y répondez.

2. N'UTILISEZ PAS LA PRÉSENTE FORMULE, MAIS UTILISEZ PLUTÔT LA FORMULE 13 SI :

- vous présentez une demande d'aliments ou y répondez, mais NE présentez PAS de demande portant sur des biens ou de demande portant sur la possession exclusive du foyer conjugal et de son contenu, NI n'y répondez.

1. Je m'appelle (nom et prénom officiels)
J'habite à (municipalité et province)
et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :
Mon état financier, tel qu'il figure dans les (précisez le nombre) pages suivantes, est exact au mieux de ma connaissance et de
ma croyance et rend compte de la situation financière au (date à laquelle les renseignements sont exacts)
des personnes ci-dessous :

Cochez une ou
plusieurs cases,
selon les
circonstances.

☐ moi-même

☐ la ou les personnes suivantes : (Donnez leur nom et leur lien de parenté avec vous.)

Suite au verso →

Formule 13.1 : État financier (demandes portant sur des biens et demandes d'aliments) (page 2) numéro de dossier du greffe

REMARQUE : Lorsque vous indiquez des revenus et dépenses mensuels, donnez le montant réel actuel si vous le connaissez ou pouvez le déterminer. Pour obtenir un montant mensuel, vous devez multiplier tout revenu hebdomadaire par 4,33 ou diviser tout revenu annuel par 12.

SECTION 1 : REVENUS

pour la période de 12 mois allant du (date) au (date)
Veuillez inclure les revenus et les autres sommes que vous recevez de toutes provenances, qu'ils soient imposables ou non. Indiquez le montant brut ci-dessous et les déductions à la section 3.

CATÉGORIE		Par mois
1.	Traitement ou salaire, temps supplémentaire compris (avant déductions)	
2.	Gratifications, honoraires et commissions	
3.	Aide sociale	
4.	Assurance-emploi	
5.	Indemnités d'accident du travail	
6.	Prestations de retraite	
7.	Dividendes	
8.	Intérêts	

CATÉGORIE		Par mois
9.	Loyer et pension	
10.	Crédit d'impôt pour enfant du Canada	
11.	Aliments effectivement reçus	
12.	Revenu des enfants	
13.	Remboursement de la T.P.S.	
14.	Paievements de fonds en fiducie	
15.	Cadeaux	
16.	Autre (Précisez. Joignez une autre feuille au besoin.)	
17.	REVENUS DE TOUTES PROVENANCES	

SECTION 2 : AUTRES AVANTAGES

Indiquez vos avantages non pécuniaires, tels que l'utilisation d'une voiture de fonction, l'adhésion à un club ou la chambre et la pension que votre employeur ou quelqu'un d'autre vous fournit ou les avantages qui sont passés en charges par votre entreprise.

ARTICLE	PRÉCISIONS	Valeur marchande mensuelle
	18. TOTAL	

19. REVENU MENSUEL BRUT ET AVANTAGES (Additionnez : [17] plus [18].) \$

SECTION 3 : RETENUES À LA SOURCE

pour la période de 12 mois allant du (date) au (date)

GENRE DE DÉPENSES		Par mois
20.	Impôt sur le revenu	
21.	Régime de pensions du Canada	
22.	Autres régimes de pension	
23.	Assurance-emploi	
24.	Cotisations syndicales ou autres	

GENRE DE DÉPENSES		Par mois
25.	Assurance collective	
26.	Autre (Précisez. Joignez une autre feuille au besoin.)	
27.	TOTAL — RETENUES À LA SOURCE	

28. REVENU MENSUEL NET (Soustrayez : [19] moins [27].) \$

Suite à la page suivante →

SECTION 4 : DÉPENSES TOTALES

pour la période de 12 mois allant du(date) au (date).....

REMARQUE : Vous devez remplir la présente section dans tous les cas. Vous devez indiquer vos frais de subsistance TOTAUX, y compris ceux pour les enfants qui habitent chez vous. Vous pouvez également utiliser la présente section pour établir un projet de budget. Pour ce faire, photocopiez la section 4, remplissez les parties nécessaires, remplacez le titre par «Projet de budget» et joignez le document à la présente formule.

GENRE DE DÉPENSES		Par mois
Logement		
29.	Loyer/hypothèque	
30.	Impôts fonciers et municipaux	
31.	Frais de condominium et dépenses communes	
32.	Eau	
33.	Électricité et combustible de chauffage	
34.	Téléphone	
35.	Câblodistribution et télévision payante	
36.	Assurance-habitation	
37.	Réparations domiciliaires, entretien, jardinage	
Total partiel — numéros [29] à [37]		
Nourriture, vêtements, transport, etc.		
38.	Épicerie	
39.	Repas pris à l'extérieur de la maison	
40.	Articles ménagers divers	
41.	Coiffure et articles de toilette	
42.	Blanchissage et nettoyage à sec	
43.	Vêtements	
44.	Transports en commun	
45.	Taxis	
46.	Assurance-automobile	
47.	Permis de conduire et immatriculation	
48.	Prêt-automobile	
49.	Entretien et réparation de la voiture	
50.	Essence et huile	
51.	Stationnement	
Total partiel — numéros [38] à [51]		
Soins de santé et soins médicaux (N'incluez pas les dépenses liées aux enfants.)		
52.	Soins dentaires ordinaires	
53.	Soins orthodontiques ou soins dentaires spéciaux	
54.	Médicaments	
55.	Lunettes ou verres de contact	
56.	Primes d'assurance-vie ou d'assurance temporaire	
Total partiel — numéros [52] à [56]		

GENRE DE DÉPENSES		Par mois
Enfants		
57.	Activités scolaires (sorties éducatives, etc.)	
58.	Repas pris à l'école	
59.	Frais scolaires, livres, etc. (enfants)	
60.	Camp d'été	
61.	Activités (cours de musique, clubs, sports)	
62.	Argent de poche	
63.	Gardiennage d'enfants	
64.	Garderie	
65.	Soins dentaires ordinaires	
66.	Soins orthodontiques ou soins dentaires spéciaux	
67.	Médicaments	
68.	Lunettes ou verres de contact	
Total partiel — numéros [57] à [68]		
Divers et autres		
69.	Livres pour la maison, journaux, revues, cassettes vidéo et disques compacts	
70.	Cadeaux	
71.	Oeuvres de bienfaisance	
72.	Alcool et tabac	
73.	Dépenses pour animaux domestiques	
74.	Frais scolaires, livres, droits, etc.	
75.	Sorties et loisirs	
76.	Vacances	
77.	Cartes de crédit (mais non pour les dépenses mentionnées ailleurs dans le présent état)	
78.	R.E.É.R. ou autres régimes d'épargne	
79.	Aliments réellement versés dans une autre cause	
80.	Impôt sur le revenu et cotisation au Régime de pensions du Canada (non prélevés à la source)	
81.	Autre (Précisez. Joignez une autre feuille au besoin.)	
Total partiel — numéros [69] à [81]		
82.	Total — numéros [29] à [81]	

RÉSUMÉ DU REVENU ET DES DÉPENSES

Revenu mensuel net (numéro [28] ci-dessus) = \$
 moins les dépenses mensuelles réelles (numéro [82] ci-dessus) = \$
EXCÉDENT/DÉFICIT MENSUEL RÉEL = \$

Suite au verso →

Formule 13.1 : État financier (demandes portant sur des biens et demandes d'aliments) (page 4) numéro de dossier du greffe

SECTION 5 : AUTRES RENSEIGNEMENTS RELATIFS AU REVENU1. Je suis ☐ employé(e) par (nom et adresse de l'employeur)☐ à mon compte et j'exerce mes activités commerciales sous le nom de (nom et adresse de l'entreprise)☐ sans emploi depuis (dernière date à laquelle vous étiez employé(e))

2. Je joins les documents requis suivants (si vous déposez le présent état pour mettre à jour ou corriger un état antérieur, vous n'avez pas à joindre les déclarations de revenus déjà déposées auprès du tribunal) :

☐ soit une copie des déclarations de revenus que j'ai remises à l'Agence des douanes et du revenu du Canada pour les trois dernières années d'imposition, une copie des pièces qui y étaient jointes ainsi qu'une copie des avis de cotisation ou de nouvelle cotisation d'impôt que j'ai reçus de l'Agence pour ces années;☐ soit une déclaration de l'Agence des douanes et du revenu du Canada selon laquelle je n'ai produit aucune déclaration de revenus pour les trois dernières années;☐ soit une directive, rédigée selon la formule 13A, signée de ma main et adressée à la Direction de l'impôt de l'Agence des douanes et du revenu du Canada permettant la divulgation de mes déclarations de revenus et de mes avis de cotisation à l'autre partie pour les trois dernières années.

Je joins la preuve de mon revenu actuel, y compris mon plus récent :

☐ talon de chèque de paie. ☐ talon de chèque d'assurance-emploi. ☐ talon de chèque d'indemnité d'accident du travail.☐ talon de chèque de pension. ☐ Autre. (Précisez.)3. ☐ (Cochez s'il y a lieu.) Je suis un(e) Indien(ne) au sens de la Loi sur les Indiens (Canada). Tout mon revenu est exonéré d'impôt et je ne suis pas tenu(e) de remettre une déclaration de revenus. Par conséquent, je n'ai pas joint de déclaration de revenus pour les trois dernières années.**SECTION 6 : AUTRES MEMBRES DU MÉNAGE QUI GAGNENT UN REVENU**

Ne remplissez la présente section que si vous présentez une demande pour difficultés excessives ou une demande d'aliments pour le conjoint. Indiquez au numéro 1 ou 2 si vous habitez avec une autre personne (par exemple, conjoint, partenaire de même sexe, colocataire ou locataire). Si vous remplissez le numéro 2, remplissez également les numéros 3 à 6.

1. ☐ J'habite seul(e).

2. J'habite avec (nom et prénom officiels de la personne)

3. Cette personne a (nombre) enfant(s) qui habite(nt) sous le même toit.

4. Cette personne ☐ travaille à/chez (lieu de travail ou d'activité)
☐ ne travaille pas à l'extérieur du foyer.5. Cette personne ☐ gagne (montant) \$ par
☐ ne gagne rien.6. Cette personne ☐ paie environ \$ par pour les dépenses du ménage.
☐ ne paie aucune des dépenses du ménage.

Suite à la page suivante →

SECTION 7 : AVOIRS SITUÉS EN ONTARIO ET AILLEURS

Si quelque partie que ce soit des sections 7 à 12 ne s'applique pas, ne la laissez pas vierge; écrivez en caractères d'imprimerie «SANS OBJET» dans la partie.

La date du mariage est : (précisez la date)

La date d'évaluation est : (précisez la date)

La date du début de la cohabitation (si elle diffère de la date du mariage) est : (précisez la date)

SECTION 7 a) : BIENS-FONDS

Indiquez tout intérêt, y compris un intérêt à bail et une hypothèque, sur un bien-fonds dont vous étiez propriétaire à la date indiquée dans chacune des colonnes ci-dessous. Indiquez la valeur marchande estimative de votre intérêt, sans en déduire les charges qui le grèvent ou les coûts de disposition, ceux-ci devant être inscrits à la section 8 sous la rubrique « Dettes et autres obligations ».

Nature et genre du droit de propriété <i>(Indiquez le pourcentage de votre intérêt, le cas échéant.)</i>	Adresse du bien-fonds	Valeur marchande estimative de VOTRE intérêt		
		à la date du mariage	à la date d'évaluation	aujourd'hui
	83. VALEUR TOTALE DES BIENS-FONDS	\$		

SECTION 7 b) : ARTICLES ET APPAREILS MÉNAGERS DIVERS ET VÉHICULES

Pour les biens de cette nature dont vous étiez propriétaire à la date indiquée dans chacune des colonnes ci-dessous, indiquez la valeur marchande estimative, et non la valeur de remplacement. Ne déduisez pas les charges qui les grèvent ou les coûts de disposition ici, ceux-ci devant être inscrits à la section 8 sous la rubrique «Dettes et autres obligations».

Article	Description	Indiquez si l'article n'est PAS en votre possession.	Valeur marchande estimative de VOTRE intérêt		
			à la date du mariage	à la date d'évaluation	aujourd'hui
Articles et appareils ménagers et ameublement					
Voitures, bateaux et autres véhicules					
Bijoux, objets d'art, appareils électroniques, outils, articles de sport et équipement de loisirs					
Autres articles spéciaux					
	84. VALEUR TOTALE DES ARTICLES ET APPAREILS MÉNAGERS DIVERS ET DES VÉHICULES			\$	

Sulle au verso →

Formule 13.1 : État financier (demandes portant sur des biens et demandes d'aliments) (page 6) numéro de dossier du greffe

SECTION 7 c) : COMPTES BANCAIRES, ÉPARGNE, VALEURS MOBILIÈRES ET FONDS DE PENSION

Indiquez les articles dont vous étiez propriétaire à la date indiquée dans chacune des colonnes ci-dessous par catégorie, par exemple les espèces, les comptes auprès d'établissements financiers, les fonds de pension, les régimes enregistrés d'épargne-retraite et autres régimes d'épargne, les récépissés de dépôt et toute autre forme d'épargne, ainsi que les obligations, garanties, options, billets et valeurs mobilières. Indiquez quelle serait la valeur marchande des valeurs mobilières, selon votre estimation la plus juste, si ces articles devaient être vendus sur le marché libre.

Catégorie	ÉTABLISSEMENT (y compris l'emplacement)/ DESCRIPTION (y compris l'émetteur et la date)	Numéro de compte	Montant/valeur marchande estimative		
			à la date du mariage	à la date d'évaluation	aujourd'hui
85. VALEUR TOTALE DES COMPTES, DE L'ÉPARGNE, DES VALEURS MOBILIÈRES ET DES FONDS DE PENSION				\$	

SECTION 7 d) : ASSURANCE-VIE ET INVALIDITÉ

Énumérez toutes les polices en vigueur à la date indiquée dans chacune des colonnes ci-dessous.

Compagnie, genre et numéro de police	Titulaire	Bénéficiaire	Capital assuré	Valeur de rachat		
				à la date du mariage	à la date d'évaluation	aujourd'hui
86. VALEUR DE RACHAT TOTALE DES POLICES D'ASSURANCE					\$	

SECTION 7 e) : INTÉRÊTS DANS UNE ENTREPRISE

Indiquez tout intérêt, dans une entreprise non constituée en personne morale, dont vous étiez propriétaire à la date indiquée dans chacune des colonnes ci-dessous. Un intérêt dans une entreprise constituée en personne morale peut être indiqué ici ou à la section 7 c) sous la rubrique «COMPTES BANCAIRES, ÉPARGNE, VALEURS MOBILIÈRES ET FONDS DE PENSION». Indiquez la valeur marchande de votre intérêt, selon votre estimation la plus juste.

Nom de l'entreprise ou de la compagnie	Intérêt	Valeur marchande estimative de VOTRE intérêt		
		à la date du mariage	à la date d'évaluation	aujourd'hui
87. VALEUR TOTALE DES INTÉRÊTS DANS UNE ENTREPRISE			\$	

Suite à la page suivante →

SECTION 7 f) : CRÉANCES

Donnez des précisions sur toutes les sommes que d'autres personnes vous devaient à la date indiquée dans chacune des colonnes ci-dessous, que ce soit dans le cadre d'activités commerciales ou à titre personnel. Veuillez inclure tout jugement du tribunal rendu en votre faveur, toute somme à laquelle vous avez droit dans le cadre d'une succession et tout remboursement d'impôt qui vous est dû.

Précisions	Montant de la créance		
	à la date du mariage	à la date d'évaluation	aujourd'hui
88. TOTAL DES CRÉANCES		\$	

SECTION 7 g) : AUTRES BIENS

Énumérez les autres biens ou avoirs dont vous étiez propriétaire à la date indiquée dans chacune des colonnes ci-dessous et que vous n'avez pas mentionnés plus haut. Indiquez la valeur marchande qui vous semble la plus juste.

Catégorie	Précisions	Valeur marchande estimative de VOTRE intérêt		
		à la date du mariage	à la date d'évaluation	aujourd'hui
89. VALEUR TOTALE DES AUTRES BIENS			\$	
90. VALEUR DE TOUS LES BIENS DONT VOUS ÉTIEZ PROPRIÉTAIRE À LA DATE D'ÉVALUATION (Additionnez les numéros [83] à [89].)			\$	

SECTION 8 : DETTES ET AUTRES OBLIGATIONS

Indiquez les dettes et autres obligations que vous aviez à la date indiquée dans chacune des colonnes ci-dessous. Énumérez-les par catégorie, par exemple les hypothèques, charges, privilèges, billets, cartes de crédit et sommes à payer. N'oubliez pas d'inclure :

- toute somme que vous devez à l'Agence des douanes et du revenu du Canada;
- les obligations éventuelles comme les garanties que vous avez données (précisez qu'elles sont éventuelles);
- les frais de justice ou honoraires non payés qui découlent de cette cause.

Catégorie	Précisions	Montant de la dette		
		à la date du mariage	à la date d'évaluation	aujourd'hui
91. VALEUR TOTALE DES DETTES ET AUTRES OBLIGATIONS			\$	

Suite au verso →

Formule 13.1 : État financier (demandes portant sur des biens et demandes d'aliments) (page 8) numéro de dossier du greffe

SECTION 9 : BIENS, DETTES ET AUTRES OBLIGATIONS À LA DATE DU MARIAGE

Indiquez par catégorie la valeur de vos biens et de vos dettes et autres obligations, calculée à la date de votre mariage. N'INCLUEZ PAS LA VALEUR D'UN FOYER CONJUGAL DONT VOUS ÉTIEZ PROPRIÉTAIRE À CE MOMENT-LÀ SI CE BIEN EST TOUJOURS UN FOYER CONJUGAL À LA DATE D'ÉVALUATION.

Catégorie et précisions	Valeur à la date du mariage	
	Avoirs	Obligations
Biens-fonds		
Articles et appareils ménagers divers et véhicules		
Comptes bancaires, épargne, valeurs mobilières et fonds de pension		
Assurance-vie et invalidité		
Intérêts dans une entreprise		
Créances		
Autres biens (Précisez.)		
Dettes et autres obligations (Précisez.)		
TOTAUX	\$	\$
92. VALEUR NETTE DES BIENS DONT VOUS ÉTIEZ PROPRIÉTAIRE À LA DATE DU MARIAGE (Soustrayez le total indiqué dans la colonne «Obligations» du total indiqué dans la colonne «Avoirs».)	\$	
93. VALEUR DE TOUTES LES DÉDUCTIONS (Additionnez les numéros [91] et [92].)	\$	

SECTION 10 : BIENS EXCLUS

Indiquez par catégorie la valeur des biens dont vous étiez propriétaire à la date d'évaluation et qui sont exclus de la définition de «biens familiaux nets» (comme les cadeaux ou les héritages que vous avez reçus après votre mariage).

Catégorie	Précisions	Valeur à la date d'évaluation
	94. VALEUR TOTALE DES BIENS EXCLUS	\$

Suite à la page suivante →

SECTION 11 : BIENS ALIÉNÉS

Indiquez par catégorie la valeur des biens dont vous avez disposé pendant les deux années qui ont précédé immédiatement le moment où le présent état financier a été préparé ou, si elle est plus courte, pendant la durée du mariage.

Catégorie	Précisions	Valeur
95. VALEUR TOTALE DES BIENS ALIÉNÉS		\$

SECTION 12 : CALCUL DES BIENS FAMILIAUX NETS

	Déductions	SOLDE
Valeur de tous les biens dont vous étiez propriétaire à la date d'évaluation (numéro [90] ci-dessus)		\$
moins la valeur de toutes les déductions (numéro [93] ci-dessus)	\$	\$
moins la valeur totale des biens exclus (numéro [94] ci-dessus)	\$	\$
96. BIENS FAMILIAUX NETS		\$

☐ Je ne prévois aucun changement dans ma situation financière.

☐ Je prévois les changements suivants dans ma situation financière :

☐ Je joins un projet de budget rédigé selon le modèle de la section 4 de la présente formule.

REMARQUE : Dès que vous découvrez que les renseignements contenus dans le présent état financier sont inexacts ou incomplets, ou que votre situation a subi un changement important qui influe ou influera sur les renseignements contenus dans le présent état financier, vous DEVEZ signifier à toutes les autres parties à cette cause et déposer auprès du tribunal :

- soit un nouvel état financier contenant des renseignements mis à jour,
- soit un affidavit rédigé selon la formule 14A qui précise les changements, s'ils sont mineurs.

Déclaré sous serment/Affirmé
solennellement devant moi à

_____ municipalité

en/à/au

_____ province, État ou pays

le

_____ date

_____ commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères
d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en
présence d'un avocat, d'un juge de paix, d'un
notaire ou d'un commissaire aux affidavits.)

(4) La formule 17A du Règlement est modifiée par substitution de «(formule 13 ou 13.1)» à «(formule 13)» dans la remarque qui précède le point 14.

4. Le présent règlement entre en vigueur le 28 avril 2003.

14/03

ONTARIO REGULATION 93/03

made under the

EXPROPRIATIONS ACT

Made: March 19, 2003

Filed: March 21, 2003

Amending Reg. 363 of R.R.O. 1990
(Forms)

Note: Regulation 363 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Forms 7 and 8 of Regulation 363 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

Form 7
Expropriations Act
NOTICE OF EXPROPRIATION

TO:
 (name of owner)

.....
 (address)

TAKE NOTICE THAT:

1. The lands shown on a plan registered in the
 (name of proper land registry office)
 on
 (date)
 as No. have been expropriated and are now vested in the expropriating authority.

2. The name and address of the expropriating authority for service and further communications is:

 (name)

 (address)

3. Attached hereto is a copy of the relevant portion of the plan of expropriation of your land (or a description thereof).
4. Under the Act you may elect, by notice in writing served upon the expropriating authority within thirty days after the service of this notice upon you, to have the compensation to which you are entitled assessed.
 (a) where there has been an inquiry, as of the date the notice of hearing was served;
 (b) as of the date of the registration of the plan; or
 (c) as of the date on which you were served with this notice.

and, where the election is not made within the prescribed time, you shall be deemed to have elected to have the compensation assessed as of the date of the registration of the plan.

5. For your convenience a copy of a Notice of Election is furnished herewith.
6. Under the Act, the expropriating authority will be notifying you of the amount of compensation it is willing to pay you for your interest in the land.
7. If you are not satisfied with the offer you are entitled to have the compensation negotiated by the board of negotiation established under the Act by applying to the board at

 (address)

or to have the compensation determined by the Ontario Municipal Board if agreement with respect to compensation cannot be reached by negotiation.

8. Despite paragraph 7, you may by agreement with the expropriating authority dispense with the negotiation procedures and refer the matter directly to the Ontario Municipal Board at

 (address)

to have the compensation determined by arbitration.

9. For your information and convenience, certain provisions of the Act that apply to,

- (a) negotiation and arbitration procedures, and
 - (b) the payment of your legal and appraisal costs,
- are set out as follows: (set out provisions)

Dated at, on
(date)

.....
(name of expropriating authority)

.....
(signature of officer or agent of expropriating authority)

(Where this notice is published, the following shall appear in each publication: "This notice first published on")
(date)

Form 8
Expropriations Act
NOTICE OF ELECTION

To:
(name of expropriating authority)

I/We being the registered owner(s) of land expropriated by

.....
(name of expropriating authority)

and described on a plan of expropriation registered on as No.
(date)

in the
(name of land registry office)

hereby elect to have the compensation to which I/we am/are entitled assessed,

- ☐ (a) where there has been an inquiry, as of the date the notice of hearing was served;
- ☐ (b) as of the date of the registration of the plan; or
- ☐ (c) as of the date on which I/we was/were served with the notice of expropriation.

(Check appropriate box)

.....
(signature of registered owner(s))

RÈGLEMENT DE L'ONTARIO 93/03

pris en application de la

LOI SUR L'EXPROPRIATION

pris le 19 mars 2003
déposé le 21 mars 2003

modifiant le Règl. 363 des R.R.O. de 1990
(Formules)

Remarque : Le Règlement 363 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Les formules 7 et 8 du Règlement 363 des Règlements refondus de l'Ontario de 1990 sont abrogées et remplacées par ce qui suit :

Formule 7*Loi sur l'expropriation***AVIS D'EXPROPRIATION**

Destinataire:
(nom du propriétaire)

.....
(adresse)

AVIS VOUS EST DONNÉ QUE :

1. Les biens-fonds indiqués sur un plan enregistré au
(bureau d'enregistrement immobilier compétent)
le
(date)
sous le no. ont été expropriés et sont maintenant acquis à l'autorité expropriante.

2. Les nom et adresse de l'autorité expropriante aux fins de signification et d'information ultérieures sont les suivants:

.....
(nom)
.....
(adresse)

3. Une copie de la partie pertinente du plan d'expropriation de votre bien-fonds (ou une description de celui-ci) est annexée à la présente.
4. Aux termes de la Loi vous pouvez, dans les trente jours de la réception du présent avis, signifier au moyen d'un avis écrit à l'autorité expropriante que vous désirez que l'indemnité à laquelle vous avez droit soit calculée:
 - a) à compter de la date de la signification de l'avis de l'audience, s'il y a eu une enquête;
 - b) à compter de la date de l'enregistrement du plan;
 - c) à compter de la date à laquelle le présent avis d'expropriation vous a été signifié.

Si votre choix n'est pas arrêté dans le délai imparti, vous êtes réputé avoir choisi de faire calculer l'indemnité à compter de la date de l'enregistrement du plan.

5. Afin de faciliter vos démarches, un exemplaire d'un avis du choix de la date de calcul d'indemnité est annexé au présent avis.
6. Aux termes de la Loi, l'autorité expropriante doit vous informer du montant de l'indemnité qu'elle est disposée à vous verser en contrepartie de vos droits sur le bien-fonds.
7. Si vous n'êtes pas satisfait(e) de l'offre vous pouvez exiger que l'indemnité soit négociée par la commission de négociation créée en vertu de la Loi au moyen d'une demande adressée à la commission à

.....
(adresse)

ou que l'indemnité soit fixée par la Commission des affaires municipales de l'Ontario s'il n'est pas possible de parvenir à un accord à ce sujet par voie de négociation.

8. Malgré la disposition 7, vous pouvez convenir avec l'autorité expropriante de ne pas exiger de négociations et de saisir directement de l'affaire la Commission des affaires municipales de l'Ontario à

.....
(adresse)

pour que l'indemnité soit fixée par voie d'arbitrage.

9. À titre d'information et afin de faciliter vos démarches, vous trouverez ci-dessous les dispositions de la Loi qui s'appliquent aux points suivants :

- a) procédures de négociation et d'arbitrage;
- b) paiement de vos dépens et frais d'évaluation.

Ces dispositions sont énoncées comme suit: (énoncer les dispositions)

Fait à le
(date)

.....
(nom de l'autorité expropriante)

.....
(signature de l'agent ou du mandataire de l'autorité expropriante)

(Si le présent avis est publié, la mention suivante doit figurer à chaque publication : «Le présent avis a été publié pour la première fois le»)
(date)

Formule 8

Loi sur l'expropriation

AVIS DE CHOIX DE LA DATE DU CALCUL DE L'INDEMNITÉ

Destinataire:
(nom de l'autorité expropriante)

Je/Nous soussigné(e)(s) en ma/notre qualité de propriétaire(s) enregistré(s) du bien-fonds exproprié par

.....
(nom de l'autorité expropriante)

et qui est décrit sur un plan d'expropriation enregistré le sous le no.
(date)

au bureau.....
(bureau d'enregistrement immobilier)

choisis(sons) par la présente que l'indemnité à laquelle j'ai/nous avons droit soit calculée :

- ☐ a) à compter de la date de la signification de l'avis de l'audience, s'il y a eu une enquête;
- ☐ b) à compter de la date de l'enregistrement du plan;
- ☐ c) à compter de la date à laquelle l'avis d'expropriation m'a/nous avons été signifié.

(Cocher la case appropriée)

.....
(signature(s) du/des propriétaire(s) enregistré(s))

**Publications under the Regulations Act
Publications en vertu de la Loi sur les règlements**

2003—04—12

ONTARIO REGULATION 94/03

made under the

INDEPENDENT HEALTH FACILITIES ACT

Made: March 19, 2003

Filed: March 24, 2003

Revoking O. Reg. 381/92

(Maximum Allowable Consideration)

1. Ontario Regulation 381/92 is revoked.

2. This Regulation shall be deemed to have come into force on November 26, 2002.

15/03

ONTARIO REGULATION 95/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: March 25, 2003

Filed: March 25, 2003

SPECIFICATION OF VIRULENT DISEASES

SARS specified

1. Severe Acute Respiratory Syndrome (SARS) is specified as a virulent disease for the purposes of the Act.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on March 25, 2003.

5/03

ONTARIO REGULATION 96/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: March 25, 2003

Filed: March 25, 2003

Amending O. Reg. 559/91

(Specification of Reportable Diseases)

Note: Since the end of 2002, Ontario Regulation 559/91 has been amended by Ontario Regulation 81/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 559/91 is amended by adding the following:

Severe Acute Respiratory Syndrome (SARS)

TONY CLEMENT

Minister of Health and Long-Term Care

Dated on March 25, 2003.

15/03

ONTARIO REGULATION 97/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: March 25, 2003

Filed: March 25, 2003

Amending O. Reg. 558/91

(Specification of Communicable Diseases)

Note: Since the end of 2002, Ontario Regulation 558/91 has been amended by Ontario Regulation 80/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 558/91 is amended by adding the following:

Severe Acute Respiratory Syndrome (SARS)

TONY CLEMENT

Minister of Health and Long-Term Care

Dated on March 25, 2003.

15/03

ONTARIO REGULATION 98/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: March 19, 2003

Filed: March 26, 2003

Amending O. Reg. 161/99
(Definitions and Exemptions)

Note: Since the end of 2002, Ontario Regulation 161/99 has been amended by Ontario Regulation 15/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 4.0.1 of Ontario Regulation 161/99 is amended by adding the following subsection:

(2) Despite clause (1) (c), clause 57 (a) of the Act applies to Dubreuil Forest Products Limited with respect to a distribution system described in clause (1) (c).

2. This Regulation comes into force on the later of the day it is filed and March 27, 2003.

15/03

ONTARIO REGULATION 99/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: March 19, 2003

Filed: March 26, 2003

Amending O. Reg. 339/02
(Electricity Pricing)

Note: Since the end of 2002, Ontario Regulation 339/02 has been amended by Ontario Regulation 51/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 2 of Ontario Regulation 339/02 is amended by adding the following paragraph:

7. A consumer who has an account with a distributor if,

- i. the consumer carries on a farming business within the meaning of the *Farm Registration and Farm Organizations Funding Act, 1993*,
- ii. as of March 31, 2003, either the consumer held a valid registration number assigned under the *Farm Registration and Farm Organizations Funding Act, 1993* or the consumer's obligation to file a farming business registration form was waived pursuant to an order made under subsection 22 (6) of that Act, and
- iii. the consumer is not otherwise eligible for treatment as a designated consumer under any provision of the Act or other provision of this Regulation with respect to its farming business.

2. The Regulation is amended by adding the following section:

Payments under subs. 79.1 (14) or (15) of the Act

3.1.1 (1) Despite section 3.1 and subject to subsection (5), the amount of a payment by a distributor or retailer to a designated farming consumer under subsection 79.1 (14) or (15) of the Act shall be determined in accordance with the following formula:

$$(A + B) - (C + D)$$

where,

A = subject to subsection (2), the total amount that the consumer was charged by that distributor or retailer, in respect of the commodity price for electricity used in connection with their farming business only, including total losses, during the period from May 1, 2002 to March 31, 2003,

B = subject to subsections (2) and (3), the total amount that the consumer was charged by other persons that were distributors or retailers that billed the consumer under retailer-consolidated billing, in respect of the commodity price

for electricity used in connection with their farming business only, including total losses, during the period from May 1, 2002 to March 31, 2003,

- C = subject to subsection (2), the total amount that the consumer would have been charged, by the distributor or retailer, in respect of the commodity price for electricity used in connection with their farming business only, including total losses, during the period from May 1, 2002 to March 31, 2003, if the commodity price for electricity had been 4.3 cents per kilowatt hour during that period,
- D = subject to subsections (2) and (3), the total amount that the consumer would have been charged, by other persons that were distributors or retailers that billed the consumer under retailer-consolidated billing, in respect of the commodity price for electricity used in connection with their farming business only, including total losses, during the period from May 1, 2002 to March 31, 2003, if the commodity price for electricity had been 4.3 cents per kilowatt hour during that period.

(2) If May 1, 2002 falls within a billing period that includes any day before that day, or if March 31, 2003 falls within a billing period that includes any day after that day, a distributor or retailer may, for the purpose of subsection (1), estimate the amounts charged during that billing period that relate to electricity used during the period from May 1, 2002 to March 31, 2003.

(3) The amounts of "B" and "D" in subsection (1) shall be deemed to be zero unless, not later than September 30, 2003, the distributor or retailer receives, from the designated farming consumer or another person, the information necessary to determine those amounts.

(4) A designated farming consumer,

(a) shall make a request for a payment under subsection (1) by September 30, 2003; and

(b) shall provide with the request a declaration, signed by the consumer, attesting to the amount of electricity that was used in connection with the consumer's farming business only, in order to verify the amount of electricity that is to be used for the purposes of the calculations under subsection (1).

(5) A distributor or retailer is required to make a payment under subsection 79.1 (14) or (15) of the Act to a designated farming consumer in the amount determined under subsection (1), if the amount determined under subsection (1) is greater than zero.

(6) A distributor or retailer who is required to make a payment under subsection 79.1 (14) or (15) of the Act to a designated farming consumer shall do so by crediting the consumer's account and showing the credit on an invoice issued to the consumer.

(7) In this section,

"designated farming consumer" means a designated consumer described in paragraph 7 of section 2.

3. The Regulation is amended by adding the following sections:

Obligation to make payments under subs. 79.1 (16) of Act

3.2.3 (1) For the purposes of subsection 79.1 (16) of the Act, Great Lakes Power Limited shall make a payment to a consumer who,

(a) had an account with Dubreuil Forest Products Limited at any time between May 1, 2002 and March 31, 2003;

(b) was charged by Dubreuil Forest Products Limited as a residential customer; and

(c) has not received and is not eligible to receive any payment under Part V of the Act, other than a payment under this section.

(2) A consumer shall make a request for a payment under subsection (1) by September 30, 2003 and shall provide billing and payment information in respect of the consumer's account with Dubreuil Forest Products Limited that is sufficient to permit Great Lakes Power Limited to make the calculation referred to in section 3.2.4.

(3) The amount of the payment to the consumer under subsections (1) shall be calculated in accordance with section 3.2.4.

Calculation of payments under subs. 79.1 (16) of the Act

3.2.4 (1) Subject to subsection (3), the amount of a payment by Great Lakes Power Limited to a consumer as required by section 3.2.3 shall be determined in accordance with the following formula:

$$A - B$$

where,

A = subject to subsection (2), the total amount that the consumer paid to Dubreuil Forest Products Limited, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to March 31, 2003,

D - subject to subsection (2), the total amount that the consumer would have been charged by Dubreuil Forest Products Limited, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to March 31, 2003, if the commodity price for electricity had been 4.3 cents per kilowatt hour during that period.

(2) If May 1, 2002 falls within a billing period that includes any day before that day, or if March 31, 2003 falls within a billing period that includes any day after that day, Great Lakes Power Limited may, for the purpose of subsection (1), estimate the amounts charged during that billing period that relate to electricity used during the period from May 1, 2002 to March 31, 2003.

(3) The amount of the payment that Great Lakes Power Limited is required to make under section 3.2.3 to a consumer is the amount determined under subsection (1) or zero, whichever is greater.

(4) If Great Lakes Power Limited is required to make a payment under section 3.2.3, it shall do so by mailing or hand-delivering a cheque or some other form of payment mutually agreed on to the consumer at the address provided by the consumer or at such other location as may be mutually agreed on.

4. Subsection 4 (2) of the Regulation is revoked and the following substituted:

(2) Despite subsection (1), subsection 79.4 (1) of the Act does not apply to,

- (a) a consumer in respect of electricity retailed to the consumer by PUC Distribution Inc. pursuant to its obligations under section 29 of the *Electricity Act, 1998*;
- (b) a consumer in respect of electricity retailed to the consumer by Fort Frances Power Corporation Distribution Inc., pursuant to its obligations under section 29 of the *Electricity Act, 1998*, for that volume of electricity supplied to Fort Frances Power Corporation Distribution Inc. by Abitibi-Consolidated Inc.; or
- (c) a designated consumer described in paragraph 7 of section 2 for that portion of electricity consumption identified in the signed declaration provided to the distributor or retailer under clause 3.1.1 (4) (b) as not relating to farming business.

15/03

ONTARIO REGULATION 100/03
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: March 19, 2003
Filed: March 26, 2003

Amending O. Reg. 341/02
(Payments re Sections 79.1 and 79.2 of the Act)

Note: Since the end of 2002, Ontario Regulation 341/02 has been amended by Ontario Regulation 52/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 341/02 is amended by adding the following sections:

Payment by the IMO to Great Lakes Power Limited

14.6 (1) The IMO shall make a payment to Great Lakes Power Limited that is equal to the aggregate of the payments that Great Lakes Power Limited is required to make under subsection 79.1 (16) of the Act to entitled Dubreuil consumers.

(2) The IMO shall make the payment required by subsection (1) after receiving a statement from Great Lakes Power Limited setting out the number of entitled Dubreuil consumers to whom Great Lakes Power Limited is required to make a payment under subsection 79.1 (16) of the Act and the total amount payable by Great Lakes Power Limited to those consumers.

(3) The IMO shall make a payment required by this section by paying Great Lakes Power Limited an amount payable to it under this section or by way of set-off of the amount against amounts payable to the IMO by Great Lakes Power Limited.

(4) The IMO shall make the payment required by this section to Great Lakes Power Limited even if the Great Lakes Power Limited has not yet made any payments to entitled Dubreuil consumers under subsection 79.1 (16) of the Act.

(5) Great Lakes Power Limited shall provide the following information to the IMO and the Financial Corporation forthwith after making the payments required under subsection 79.1 (16) of the Act to entitled Dubreuil consumers:

- 1. The number of entitled Dubreuil consumers to whom Great Lakes Power Limited made a payment under subsection 79.1 (16) of the Act.

2. The total amount paid by Great Lakes Power Limited under subsection 79.1 (16) of the Act to those entitled Dubreuil consumers.

(6) In this section,

“entitled Dubreuil consumer” means a consumer entitled to a payment under subsection 79.1 (16) of the Act by virtue of section 3.2.3 of Ontario Regulation 339/02 (Electricity Pricing).

Payments by the Financial Corporation to the IMO

14.7 (1) The Financial Corporation shall make a payment to the IMO equal to the amount, if any, that the IMO is required to make to Great Lakes Power Limited under section 14.6.

(2) The Financial Corporation shall make the payment required by subsection (1) after receiving from the IMO such information as the Financial Corporation may require concerning Great Lakes Power Limited and the payments to be made by the IMO under section 14.6.

(3) The Financial Corporation shall make the payment required by subsection (1) even if the IMO has not yet made any payment to Great Lakes Power Limited under section 14.6.

(4) The Financial Corporation may make the payment required by subsection (1) by paying the amount to the IMO or by way of set-off of the amount in the accounts maintained by the IMO, at the option of the Financial Corporation.

15/03

ONTARIO REGULATION 101/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: March 19, 2003

Filed: March 26, 2003

Amending O. Reg. 435/02

(Payments re Section 79.4 of the Act)

Note: Ontario Regulation 435/02 has not previously been amended.

1. Subsection 4 (6) of Ontario Regulation 435/02 is revoked and the following substituted:

(6) This section does not apply with respect to PUC Distribution Inc.

2. Subsection 5 (6) of the Regulation is revoked and the following substituted:

(6) This section does not apply with respect to PUC Distribution Inc.

15/03

ONTARIO REGULATION 102/03

made under the

FARM PRODUCTS MARKETING ACT

Made: March 20, 2003

Approved: March 25, 2003

Filed: March 26, 2003

Amending Reg. 415 of R.R.O. 1990

(Grapes for Processing — Plan)

Note: Regulation 415 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Section 2 of the Schedule to Regulation 415 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

winery grower means a producer who,

- (a) is the holder of a licence as a processor of grapes or late harvest juice issued by the Commission under Regulation 414 of the Revised Regulations of Ontario, 1990 or is the affiliate of such a holder, and
- (b) is the holder of a manufacturer's licence issued by the Registrar of Alcohol and Gaming under the *Liquor Licence Act* and an authorization under the *Liquor Control Act* to sell, at a retail store on the holder's premises, wine manufactured by the holder or is the affiliate of such a holder.

(2) Section 2 of the Schedule to the Regulation is amended by adding the following subsection:

(2) For the purpose of the definition of "winery grower" in subsection (1),

- 1. A body corporate shall be deemed to be affiliated with another body corporate if, but only if, one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person, partnership or other entity.
- 2. A body corporate shall be deemed to be affiliated with a partnership or other entity that is not a body corporate, if but only if, one is controlled by the other or each is controlled by the same person, partnership or other entity.
- 3. A natural person shall be deemed to be affiliated with a body corporate, a partnership or other entity that is not a body corporate, if but only if, the body corporate, partnership or other entity is controlled by the natural person.
- 4. A partnership or other entity that is not a body corporate shall be deemed to be affiliated with another partnership or other entity that is not a body corporate if, but only if, one of them controls the other or each is controlled by the same person, partnership or entity.
- 5. A body corporate shall be deemed to be a subsidiary of another body corporate if, but only if,
 - i. it is controlled by,
 - A. that other,
 - B. that other and one or more bodies corporate, each of which is controlled by that other, or
 - C. two or more bodies corporate, each of which is controlled by that other, or
 - ii. it is a subsidiary of a body corporate that is that other's subsidiary.
- 6. A body corporate with share capital shall be deemed to be controlled by another person, partnership or other entity or by two or more bodies corporate if, but only if,
 - i. securities or shares of the first-mentioned body corporate carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of the other person, partnership or entity or by or for the benefit of the other bodies corporate, and
 - ii. the votes carried by the securities or shares mentioned in subparagraph i are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned body corporate.

(3) Section 5 of the Schedule to the Regulation is revoked and the following substituted:

- 5. The local board shall be composed of eight producer members.

(4) Subsection 7 (1) of the Schedule to the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

- (1) Producers who are not winery growers are divided into the following four districts:

(5) Subsection 7 (2) of the Schedule to the Regulation is revoked and the following substituted:

- (2) A producer in an area of Ontario not included in a district mentioned in subsection (1), who is not a winery grower, may become a member of the district group of producers nearest to the producer's place of production.

- (3) Every producer who is a winery grower is a member of District 5.

(6) Section 10 of the Schedule to the Regulation is amended by adding at the beginning "Subject to subsection (2)".

(7) Section 10 of the Schedule to the Regulation is amended by adding the following subsection:

- (2) The district group for District 4 shall elect one additional representative to The Grape Growers' Committee who shall be a producer from either the County of Kent or the County of Essex.

(8) Section 11 of the Schedule to the Regulation is amended by striking out "subsection 7 (1)" in the portion before paragraph 1 and substituting "section 7".

(9) Paragraph 5 of section 11 of the Schedule to the Regulation is revoked and the following substituted:

5. One producer member from District 5.
6. One producer member as a member at large from any one of Districts 1 to 5.

(10) Subsections 12 (1) and (2) of the Schedule to the Regulation are amended by striking out "Board" wherever it occurs and substituting in each case "Commission".

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

ROD STORK
Chair

PATRICIA BANY
Secretary

Dated on March 20, 2003.

Approved:

HELEN JOANNE JOHNS
Minister of Agriculture and Food

Dated on March 25, 2003.

15/03

ONTARIO REGULATION 103/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: March 26, 2003
Filed: March 27, 2003

Amending O. Reg. 338/96
(Exemption — Subsection 39 (1) of the Act)

Note: Ontario Regulation 338/96 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 338/96 is revoked and the following substituted:

1. Subsection 39 (1) of the Act does not apply to disclosure by a physician, the Chief Medical Officer of Health or a medical officer of health to the Canadian Blood Services if,

- (a) there are reasonable grounds to believe that the person who is the subject of the disclosure has received a blood transfusion or a blood product from the Canadian Blood Services or has donated blood to the Canadian Blood Services; and
- (b) the application, order, certificate or report concerns,
 - (i) Acquired Immune Deficiency Syndrome (AIDS),
 - (ii) Human Immunodeficiency Virus (HIV), the agent of AIDS,
 - (iii) Hepatitis C,
 - (iv) Transmissible Spongiform Encephalopathy, including,
 - (A) Creutzfeldt-Jakob Disease, all types,
 - (B) Gerstmann-Sträussler-Scheinker Syndrome,

- (D) Kuru, or
(v) West Nile Virus Illness, including,
(A) West Nile Virus Fever, or
(B) West Nile Virus Neurological Manifestations.

2. This Regulation comes into force on May 1, 2003.

15/03

ONTARIO REGULATION 104/03

made under the

ENVIRONMENTAL BILL OF RIGHTS, 1993

Made: March 26, 2003
Filed: March 28, 2003

Amending O. Reg. 73/94
(General)

Note: Ontario Regulation 73/94 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 3 of Ontario Regulation 73/94 is amended by adding the following subsection:

(4) Clauses 88 (1) (a.1) to (g) of the *Ontario Energy Board Act, 1998* are prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*.

2. Section 6 of the Regulation is amended by adding the following subsection:

(1.2) Clauses 88 (1) (a.1) to (g) of the *Ontario Energy Board Act, 1998* are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

3. Section 12 of the Regulation is amended by adding the following subsection:

(2.1) Clauses 88 (1) (a.1) to (g) of the *Ontario Energy Board Act, 1998* are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*.

4. Sections 15.1 and 15.4 of the Regulation are revoked.

15/03

ONTARIO REGULATION 105/03

made under the

FINANCIAL SERVICES COMMISSION OF ONTARIO ACT, 1997

Made: March 26, 2003
Filed: March 28, 2003

Amending O. Reg. 11/01
(Assessment of Expenses and Expenditures)

Note: Ontario Regulation 11/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "assets" in section 1 of Ontario Regulation 11/01 is amended by striking out "before the start of the assessment period" at the end.

2. Paragraph 1 of section 2 of the Regulation is revoked and the following substituted:

1. A credit union's share of the assessment is,

- i. \$120, if the credit union's assets are less than \$500,000,
- ii. \$240, if the credit union's assets are \$500,000 or more, but less than \$1 million,
- iii. \$360, if the credit union's assets are \$1 million or more, but less than \$5 million,
- iv. \$510, if the credit union's assets are \$5 million or more, but less than \$10 million,
- v. \$640, if the credit union's assets are \$10 million or more, but less than \$15 million,
- vi. \$770, if the credit union's assets are \$15 million or more, but less than \$25 million,
- vii. \$1,150, if the credit union's assets are \$25 million or more, but less than \$35 million,
- viii. \$2,500, if the credit union's assets are \$35 million or more, but less than \$50 million,
- ix. \$4,930, if the credit union's assets are \$50 million or more, but less than \$75 million,
- x. \$9,100, if the credit union's assets are \$75 million or more, but less than \$100 million,
- xi. \$11,700, if the credit union's assets are \$100 million or more, but less than \$500 million,
- xii. \$16,250, if the credit union's assets are \$500 million or more.

15/03

ONTARIO REGULATION 106/03

made under the

SECURITIES ACT

Made: March 26, 2003

Filed: March 28, 2003

**EXEMPTIONS RESPECTING THE ONTARIO MUNICIPAL
ECONOMIC INFRASTRUCTURE FINANCING AUTHORITY****Section 25 of the Act**

1. Section 25 of the Act does not apply to any of the following trades:

1. An initial trade in a bond, debenture or other evidence of indebtedness issued by the Ontario Municipal Economic Infrastructure Financing Authority.
2. A subsequent trade in a bond, debenture or other evidence of indebtedness issued by the Ontario Municipal Economic Infrastructure Financing Authority if the trade is made by or through a limited market dealer, a financial intermediary dealer or a financial intermediary regulated by the federal Office of the Superintendent of Financial Institutions.

Section 53 of the Act

2. Section 53 of the Act does not apply with respect to any trade in a bond, debenture or other evidence of indebtedness issued by the Ontario Municipal Economic Infrastructure Financing Authority.

15/03

ONTARIO REGULATION 107/03

made under the

HIGHWAY TRAFFIC ACT

Made: March 26, 2003

Filed: March 28, 2003

Amending O. Reg. 339/94
(Demerit Point System)

Note: Ontario Regulation 339/94 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Table to Ontario Regulation 339/94 is amended by adding the following items:

35	Subsection 159.1 (1) of the <i>Highway Traffic Act</i>	3	Failing to slow down and proceed with caution when approaching stopped emergency vehicle
36	Subsection 159.1 (2) of the <i>Highway Traffic Act</i>	3	Failing to move into another lane when approaching stopped emergency vehicle - if safe to do

2. This Regulation comes into force on the later of the day it is filed and the day section 1 of the *Highway Traffic Amendment Act (Emergency Vehicle Safety)*, 2002 is proclaimed in force.

15/03

ONTARIO REGULATION 108/03

made under the

PROVINCIAL OFFENCES ACT

Made: March 26, 2003

Filed: March 28, 2003

Amending Reg. 950 of R.R.O. 1990

(Proceedings Commenced by Certificate of Offence)

Note: Since the end of 2002, Regulation 950 has been amended by Ontario Regulation 42/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 43 to Regulation 950 of the Revised Regulations of Ontario, 1990 is amended by adding the following items:

468.2	Fail to slow down and proceed with caution for emergency vehicle	subsection 159.1 (1)
468.3	Fail to move into another lane for emergency vehicle - if safe to do	subsection 159.1 (2)

2. This Regulation comes into force on the later of the day it is filed and the day section 1 of the *Highway Traffic Amendment Act (Emergency Vehicle Safety)*, 2002 is proclaimed in force.

RÈGLEMENT DE L'ONTARIO 108/03

pris en application de la

LOI SUR LES INFRACTIONS PROVINCIALES

pris le 26 mars 2003

déposé le 28 mars 2003

modifiant le Règl. 950 des R.R.O. de 1990

(Instances introduites au moyen du dépôt d'un procès-verbal d'infraction)

Remarque : Depuis la fin de 2002, le Règlement 950 a été modifié par le Règlement de l'Ontario 42/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. L'annexe 43 du Règlement 950 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction des numéros suivants :

468.2	Omettre de ralentir et de rouler avec prudence à l'approche d'un véhicule de secours.	paragraphe 159.1 (1)
468.3	Omettre de pénétrer dans une autre voie à l'approche d'un véhicule de secours, si la manoeuvre peut se faire en toute sécurité.	paragraphe 159.1 (2)

2. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour où l'article 1 de la *Loi de 2002 modifiant le Code de la route (sécurité des véhicules de secours)* est proclamé en vigueur.

15/03

ONTARIO REGULATION 109/03

made under the

**ONTARIO MUNICIPAL ECONOMIC INFRASTRUCTURE
FINANCING AUTHORITY ACT, 2002**

Made: March 26, 2003

Filed: March 28, 2003

GENERAL**Financing for municipalities**

1. (1) The following are the purposes for which the Ontario Municipal Economic Infrastructure Financing Authority may provide financing for municipalities:

1. To acquire, construct, erect, install, expand, refurbish, alter or repair water works for clean water.
2. To acquire, construct, erect, install, expand, refurbish, alter or repair sewage works.
3. To acquire, construct, erect, install, expand, refurbish, alter or repair waste management systems.
4. To acquire, construct, erect, install, expand, refurbish, alter or repair highways that are under municipal jurisdiction.
5. To acquire, construct, erect, install, expand, refurbish, alter or repair infrastructure for public transit systems and to acquire, replace or refurbish vehicles that are used for public transit.
6. To purchase real property that is used in or is incidental to an undertaking described in paragraphs 1 to 5.

(2) In this section,

“highway” means a highway as defined in section 1 of the *Municipal Act, 2001*; (“voie publique”)

“install” includes install a structure that is made elsewhere or moved from elsewhere. (“mise en place”)

RÈGLEMENT DE L'ONTARIO 109/03

pris en application de la

**LOI DE 2002 SUR L'OFFICE ONTARIEN DE FINANCEMENT
DE L'INFRASTRUCTURE ÉCONOMIQUE DES MUNICIPALITÉS**pris le 26 mars 2003
déposé le 28 mars 2003**DISPOSITIONS GÉNÉRALES****Financement fourni aux municipalités**

1. (1) Les fins suivantes sont les fins auxquelles l'Office ontarien de financement de l'infrastructure économique des municipalités peut fournir un financement aux municipalités :

1. L'acquisition, la construction, l'édification, la mise en place, l'agrandissement, la remise à neuf, la transformation ou la réparation de stations de purification de l'eau en vue d'obtenir une eau saine.
2. L'acquisition, la construction, l'édification, la mise en place, l'agrandissement, la remise à neuf, la transformation ou la réparation de stations d'épuration des eaux d'égout.
3. L'acquisition, la construction, l'édification, la mise en place, l'agrandissement, la remise à neuf, la transformation ou la réparation de systèmes de gestion des déchets.
4. L'acquisition, la construction, l'édification, la mise en place, l'agrandissement, la remise à neuf, la transformation ou la réparation de voies publiques qui relèvent de la compétence de municipalités.
5. L'acquisition, la construction, l'édification, la mise en place, l'agrandissement, la remise à neuf, la transformation ou la réparation de l'infrastructure de réseaux de transport en commun ainsi que l'acquisition, le remplacement ou la remise à neuf de véhicules qui sont utilisés pour le transport en commun.
6. L'achat de biens immeubles qui sont utilisés dans un projet visé aux dispositions 1 à 5 ou qui lui sont accessoires.

(2) Les définitions qui suivent s'appliquent au présent article.

«mise en place» S'entend notamment de la mise en place d'une construction qui est fabriquée dans un autre lieu ou qui est transportée d'un autre lieu. («install»)

«voie publique» S'entend au sens de l'article 1 de la *Loi de 2001 sur les municipalités*. («highway»)

15/03

ONTARIO REGULATION 110/03

made under the

LABOUR RELATIONS ACT, 1995

Made: March 26, 2003

Filed: March 28, 2003

ARBITRATION — RESIDENTIAL SECTOR OF THE CONSTRUCTION INDUSTRY

Application of Regulation

1. This Regulation applies if an arbitrator has been appointed under section 150.2 of the Act and the parties do not agree upon the method of arbitration for the purposes of that section.

Beginning proceeding

2. (1) The arbitrator shall convene the parties to begin the proceeding as soon as possible after being appointed and no later than seven days after that day.

(2) On or before the first day of the proceeding,

(a) the parties shall file with the arbitrator, a joint written statement setting out the matters on which they reached agreement before the arbitrator was appointed; and

(b) if there are monetary items in dispute between the parties, both parties shall file with the arbitrator final written offers on those monetary items.

Arbitrator

3. (1) The arbitrator has the exclusive jurisdiction to determine all matters that he or she considers necessary to conclude a new collective agreement, including whether a matter in dispute is a monetary item.

(2) The arbitrator remains seized of and may deal with all matters within his or her jurisdiction until the new collective agreement between the parties is in force.

(3) The arbitrator shall try to assist the parties through mediation to settle any matter that he or she considers necessary to conclude the collective agreement.

(4) Subject to this Regulation, the arbitrator has the powers of an arbitrator under subsection 48 (12) of the Act.

(5) The parties may at any time notify the arbitrator in writing as to matters on which they reach agreement after the appointment of the arbitrator.

(6) If the parties execute a new collective agreement before the arbitration is completed, they shall so notify the arbitrator and the arbitration proceedings are terminated when the collective agreement comes into force.

Method of arbitration

4. (1) The method of arbitration for the monetary items in dispute shall be mediation-final offer selection.

(2) The method of arbitration for the other items in dispute shall be mediation-arbitration.

Timing of award

5. (1) The arbitrator shall make an award with respect to the monetary items in dispute within seven days after the first day of the proceeding.

(2) Subject to subsection (1), the arbitrator shall make his or her award with respect to the remaining items in dispute within 30 days after the first day of the proceeding.

Execution of agreement

6. (1) Within seven days after the arbitrator has made both awards under section 5, the parties shall prepare and execute documents giving effect to the award and those documents constitute the new collective agreement.

(2) The arbitrator may extend the period specified in subsection (1) but the extended period shall end no later than 30 days after the arbitrator has made both awards.

(3) If the parties do not prepare and execute the documents as required under subsections (1) and (2), the arbitrator shall prepare and give the necessary documents to the parties for execution.

(4) If either party fails to execute the documents within seven days after the arbitrator gives them to the parties, the documents come into force as though they had been executed by the parties and those documents constitute the new collective agreement.

Revocation

7. **Ontario Regulation 83/01 is revoked.**

15/03

NOTE

The following regulations made under the *Environmental Assessment Act* were revoked on March 5, 2003 by Order in Council No. 607/2003:

655/81
336/88
609/80
14/87
682/82
2/83
342/83
359/85
475/96

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—04—19

ONTARIO REGULATION 111/03

made under the

HIGHWAY TRAFFIC ACT

Made: December 11, 2002

Filed: March 31, 2003

Amending O. Reg. 37/93
(Reciprocal Suspension of Driver's Licence)

Note: Ontario Regulation 37/93 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Table to Ontario Regulation 37/93 is amended by adding the following items:

ITEM	COLUMN 1 State	COLUMN 2 Offence
4.	Michigan	Manslaughter resulting from the operation of a motor vehicle, under <i>Michigan Compiled Law</i> , Section 750.321.
5.	Michigan	Failure to stop at the scene of an accident involving injury or death of a person, under <i>Michigan Compiled Law</i> , Sections 257.617 and 257.617a.
6.	Michigan	Operation of a motor vehicle while impaired by intoxicating liquor or controlled substance or a combination of them, under <i>Michigan Compiled Law</i> , Section 625(3).
7.	Michigan	Operation of a motor vehicle with over .10 grams or more of alcohol per 100 millilitres of blood, per 210 litres of breath or per 67 millilitres of urine, under <i>Michigan Compiled Law</i> , Section 625(1)(b).
8.	Michigan	Refusal to provide a chemical breath analysis, under <i>Michigan Compiled Law</i> , Section 257.625a.
9.	Michigan	Operation of a motor vehicle while under the influence of intoxicating liquor, controlled substance or a combination of them, causing serious impairment to a person, under <i>Michigan Compiled Law</i> , Section 257.625(5).
10.	Michigan	Operation of a motor vehicle while under the influence of intoxicating liquor, controlled substance or both of them, causing death, under <i>Michigan Compiled Law</i> , Section 625(4).

16/03

ONTARIO REGULATION 112/03

made under the

ELECTRICITY ACT, 1998

Made: March 26, 2003

Filed: March 31, 2003

Amending O. Reg. 610/98
(The IMO)

Note: Ontario Regulation 610/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Paragraph 1 of section 7 of Ontario Regulation 610/98 is revoked and the following substituted:

1. If a member of the IMO's board of directors is of the opinion that the assessment of the impact of the amendment that was given to the Minister under subsection 32 (9) of the Act is not correct and the member has made a written statement expressing his or her reasons for that opinion, a copy of the statement.

16/03

ONTARIO REGULATION 113/03

made under the

LEGAL AID SERVICES ACT, 1998

Made: March 26, 2003

Filed: March 31, 2003

Amending O. Reg. 107/99

(General)

Note: Ontario Regulation 107/99 has previously been amended. Those amendments are listed in the Table of Regulations published in The Ontario Gazette dated January 18, 2003.

1. Schedule 1 to Ontario Regulation 107/99 is amended by striking out Note N and substituting the following:

N. Subject to Notes B and L, the hourly rate payable for all services in criminal matters is \$67 for services performed under a certificate issued before August 1, 2002, \$70.35 for services performed under a certificate issued on or after August 1, 2002 and before April 1, 2003, and \$73.87 for services performed under a certificate issued on or after April 1, 2003.

2. Item 1.1 of Part 1 of the Table to Schedule 2 to the Regulation is amended by striking out "\$67 for services performed under a certificate issued before August 1, 2002 and \$70.35 for services performed under a certificate issued on or after that date" and substituting "\$67 for services performed under a certificate issued before August 1, 2002, \$70.35 for services performed under a certificate issued on or after August 1, 2002 and before April 1, 2003, and \$73.87 for services performed under a certificate issued on or after April 1, 2003".

3. Item 1 of Schedule 4 to the Regulation is amended by striking out "\$57 for services performed before August 1, 2002 and \$70.35 for services performed on or after that date" and substituting "\$57 for services performed before August 1, 2002, \$70.35 for services performed on or after August 1, 2002 and before April 1, 2003, and \$73.87 for services performed on or after April 1, 2003".

RÈGLEMENT DE L'ONTARIO 113/03

pris en application de la

LOI DE 1998 SUR LES SERVICES D'AIDE JURIDIQUEpris le 26 mars 2003
déposé le 31 mars 2003modifiant le Règl. de l'Ont. 107/99
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 107/99 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. L'annexe 1 du Règlement de l'Ontario 107/99 est modifiée par substitution de ce qui suit à la remarque N :

N. Sous réserve des remarques B et L, le taux horaire payable pour tous les services en matière criminelle est de 67 \$ si les services sont fournis aux termes d'un certificat délivré avant le 1^{er} août 2002, de 70,35 \$ s'ils sont fournis aux termes d'un certificat délivré le 1^{er} août 2002 ou par la suite mais avant le 1^{er} avril 2003 et de 73,87 \$ s'ils sont fournis aux termes d'un certificat délivré le 1^{er} avril 2003 ou par la suite.

2. Le numéro 1.1 de la partie I du tableau de l'annexe 2 du Règlement est modifié par substitution de «67 \$ pour les services fournis aux termes d'un certificat délivré avant le 1^{er} août 2002, 70,35 \$ pour ceux fournis aux termes d'un certificat délivré le 1^{er} août 2002 ou par la suite mais avant le 1^{er} avril 2003, et 73,87 \$ pour ceux fournis aux termes d'un certificat délivré le 1^{er} avril 2003 ou par la suite» à «67 \$ pour les services fournis aux termes d'un certificat délivré avant le 1^{er} août 2002 et 70,35 \$ pour ceux fournis aux termes d'un certificat délivré ce jour-là ou par la suite».

3. Le numéro 1 de l'annexe 4 du Règlement est modifié par substitution de «57 \$ pour les services fournis avant le 1^{er} août 2002, 70,35 \$ pour ceux fournis le 1^{er} août 2002 ou par la suite mais avant le 1^{er} avril 2003, et 73,87 \$ pour ceux fournis le 1^{er} avril 2003 ou par la suite» à «57 \$ pour les services fournis avant le 1^{er} août 2002 et 70,35 \$ pour ceux fournis ce jour-là ou par la suite».

ONTARIO REGULATION 114/03

made under the

ELECTRICITY ACT, 1998

Made: March 26, 2003

Filed: March 31, 2003

CORRIDOR LAND

Transfer of ownership by Crown to person with statutory right

1. The *Environmental Assessment Act* does not apply with respect to a transfer of corridor land under subsection 114.13 (1) of the Act that is made on or before March 31, 2004.

16/03

ONTARIO REGULATION 115/03

made under the

HIGHWAY TRAFFIC ACT

Made: December 11, 2002

Filed: March 31, 2003

Amending O. Reg. 340/94

(Drivers' Licences)

Note: Ontario Regulation 340/94 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Clause 22 (a) of Ontario Regulation 340/94 is revoked and the following substituted:

- (a) a police officer or an officer appointed for carrying out the provisions of the Act to drive a motor vehicle of any class including a vehicle equipped with air brakes, other than a motorcycle, on a highway in an emergency and in the performance of his or her duties under the Act;
- (a.1) a firefighter, as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*, to drive a motor vehicle of any class including a vehicle equipped with air brakes, other than a motorcycle, on a highway in an emergency and in the performance of his or her duties under that Act; and

16/03

ONTARIO REGULATION 116/03

made under the

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT

Made: February 21, 2003

Approved: March 19, 2003

Filed: April 1, 2003

Revoking O. Reg. 28/02

(Colleges of Applied Arts and Technology — Collège d'arts appliqués et de technologie des Grands Lacs)

1. Ontario Regulation 28/02 is revoked.

2. This Regulation comes into force on the day that section 8 of the *Ontario Colleges of Applied Arts and Technology Act, 2002* comes into force.

DIANNE CUNNINGHAM
Minister of Training, Colleges and Universities

Dated on February 21, 2003.

RÈGLEMENT DE L'ONTARIO 116/03

pris en application de la

LOI SUR LE MINISTÈRE DE LA FORMATION ET DES COLLÈGES ET UNIVERSITÉS

pris le 21 février 2003
approuvé le 19 mars 2003
déposé le 1^{er} avril 2003

abrogeant le Règl. de l'Ont. 28/02
(Collèges d'arts appliqués et de technologie — Collège d'arts appliqués et de technologie des Grands Lacs)

1. Le Règlement de l'Ontario 28/02 est abrogé.

2. Le présent règlement entre en vigueur le même jour que l'article 8 de la *Loi de 2002 sur les collèges d'arts appliqués et de technologie de l'Ontario*.

DIANNE CUNNINGHAM
Ministre de la Formation et des Collèges et Universités

Fait le 21 février 2003.

16/03

ONTARIO REGULATION 117/03

made under the

ONTARIO COLLEGES OF APPLIED ARTS AND TECHNOLOGY ACT, 2002

Made: March 5, 2003
Filed: April 1, 2003

WINDING-UP OF THE COLLÈGE D'ARTS APPLIQUÉS ET DE TECHNOLOGIE DES GRANDS LACS

Winding-up of the college

1. (1) The Minister may continue the process of winding-up the college known as Collège d'arts appliqués et de technologie des Grands Lacs, which college was established under the Act by section 2 of Ontario Regulation 34/03.

(2) Except as provided in this Regulation, the board of governors of the college shall take all steps necessary for the orderly winding-up of the college.

(3) Sections 132, 230, 231 and 243 of the *Corporations Act* do not apply to the winding-up of the college under this Regulation and for greater certainty, a liquidator shall not be appointed under that Act.

(4) For the purpose of dealing with the winding-up of the college, a majority of the board of governors constitutes a quorum.

(5) Any budget established by the board of governors for winding-up of the college and any expenditures approved by it related to the winding-up are subject to the approval of the Minister and the budget shall not be finalized or the expenditures incurred until approved by the Minister.

(6) The board of governors shall co-operate fully with the Minister or any person acting on behalf of the Minister in planning and implementing the winding-up of the college.

(7) Subject to the direction of the Minister, the board of governors shall make provisions,

(a) for the retention of the corporate records of the college and of other appropriate records of the college after its winding-up; and

(b) for reasonable access by students and former students of the college to their academic records during and after the winding-up of the college.

(8) Nothing in this Regulation detracts from the obligations of the board of governors as an employer, including as the employer under the *Colleges Collective Bargaining Act* and as the employer under any collective agreements negotiated under that Act.

Appointment of administrator

2. (1) After the board of governors has taken all necessary steps to wind-up the college but before the college is dissolved, the Minister may appoint a person to temporarily administer the business and affairs of the college, subject to such conditions and restrictions as the Minister may impose upon the administrator.

(2) Subject to any conditions or restrictions that the Minister may have imposed, the administrator has all of the powers of the board of governors of the college and may exercise them for the purpose of completing the winding-up of the college.

(3) The board of governors of the college cannot exercise any of its powers, except powers in respect of matters that are explicitly reserved to it through conditions or restrictions imposed by the Minister on the administrator, while the administrator holds office.

(4) The Minister may terminate the appointment of the administrator when the Minister is satisfied that the temporary administration of the business and affairs of the college is no longer necessary.

(5) The administrator shall report to the Minister as required by the Minister and, if any powers in respect of matters are explicitly reserved to the board of governors, to the board of governors on those matters.

(6) The Minister may issue directions to the administrator with regard to any matter within the jurisdiction of the administrator and the administrator shall carry out the directions.

(7) No proceeding shall be commenced against the Crown or the Minister with respect to the appointment of an administrator under this section.

Proceedings against board of governors or administrator

3. (1) No action or other proceeding for damages or otherwise shall be instituted against the board of governors, an individual member of the board of governors or an administrator appointed under section 2 for any act done in good faith in the execution or intended execution of any duty or authority under this Regulation or for any alleged neglect or default in execution in good faith of any such duty or authority.

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the board of governors, an individual member of the board of governors or an administrator to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in the same manner as if subsection (1) had not been enacted.

RÈGLEMENT DE L'ONTARIO 117/03

pris en application de la

LOI DE 2002 SUR LES COLLÈGES D'ARTS APPLIQUÉS ET DE TECHNOLOGIE DE L'ONTARIO

pris le 5 mars 2003
déposé le 1^{er} avril 2003

LIQUIDATION DU COLLÈGE D'ARTS APPLIQUÉS ET DE TECHNOLOGIE DES GRANDS LACS

Liquidation du collège

1. (1) Le ministre peut poursuivre le processus de liquidation du Collège d'arts appliqués et de technologie des Grands Lacs ouvert aux termes de la Loi par l'article 2 du Règlement de l'Ontario 34/03.

(2) Sous réserve du présent règlement, le conseil d'administration du collège prend toutes les mesures nécessaires à la liquidation ordonnée du collège.

(3) Les articles 132, 230, 231 et 243 de la *Loi sur les personnes morales* ne s'appliquent pas à la liquidation du collège aux termes du présent règlement et il est entendu qu'un liquidateur ne doit pas être nommé en vertu de cette loi.

(4) Pour les besoins de la liquidation du collège, la majorité des membres du conseil d'administration constitue le quorum.

(5) Tout budget que le conseil d'administration établit pour la liquidation du collège et toute dépense qu'il approuve en ce qui concerne celle-ci sont soumis à l'approbation du ministre. Le budget ne doit pas être mis au point et les dépenses ne doivent pas être engagées avant d'avoir été approuvés par ce dernier.

(6) Le conseil d'administration collabore pleinement avec le ministre ou toute personne qui agit au nom de celui-ci pour la planification et la mise à exécution de la liquidation du collège.

(7) Sous réserve des directives du ministre, le conseil d'administration prend des dispositions pour les besoins suivants :

- a) la conservation des registres sociaux du collège et des autres dossiers appropriés du collège après la liquidation de celui-ci;
- b) l'accès raisonnable des étudiants et des anciens étudiants du collège à leurs dossiers pendant et après la liquidation du collège.

(8) Le présent règlement n'a aucune incidence sur les obligations du conseil d'administration en tant qu'employeur, y compris en tant qu'employeur dans le cadre de la *Loi sur la négociation collective dans les collèges* et en tant qu'employeur dans le cadre de toute convention collective négociée en vertu de cette loi.

Nomination d'un administrateur

2. (1) Une fois que le conseil d'administration a pris toutes les mesures nécessaires à la liquidation du collège mais avant la dissolution de celui-ci, le ministre peut nommer une personne pour administrer provisoirement les affaires et les activités du collège, sous réserve des conditions et restrictions que le ministre impose à celle-ci.

(2) Sous réserve des conditions ou restrictions que le ministre a pu imposer, l'administrateur a tous les pouvoirs du conseil d'administration du collège et peut les exercer en vue d'achever la liquidation du collège.

(3) Le conseil d'administration du collège ne peut exercer aucun de ses pouvoirs, à l'exception des pouvoirs concernant des questions qui lui sont explicitement réservés par le biais de conditions ou restrictions que le ministre impose à l'administrateur, pendant la durée du mandat de celui-ci.

(4) Le ministre peut révoquer la nomination de l'administrateur s'il est convaincu que l'administration provisoire des affaires et des activités du collège n'est plus nécessaire.

(5) L'administrateur fait au ministre les rapports qu'exige celui-ci. Si des pouvoirs concernant certaines questions sont explicitement réservés au conseil d'administration, il fait un rapport sur ces questions à celui-ci.

(6) Le ministre peut donner des directives à l'administrateur sur des questions relevant de la compétence de ce dernier et l'administrateur doit les appliquer.

(7) Sont irrecevables les instances introduites contre la Couronne ou le ministre en ce qui concerne la nomination d'un administrateur en vertu du présent article.

Instances introduites contre le conseil d'administration ou l'administrateur

3. (1) Sont irrecevables les actions ou autres instances en dommages-intérêts ou autres introduites contre le conseil d'administration, un membre particulier de celui-ci ou un administrateur nommé en vertu de l'article 2 pour un acte accompli de bonne foi dans l'exercice effectif ou censé tel des fonctions ou des pouvoirs que lui attribue le présent règlement ou pour une négligence ou un manquement qu'il aurait commis dans l'exercice de bonne foi de ces fonctions ou pouvoirs.

(2) Malgré les paragraphes 5 (2) et (4) de la *Loi sur les instances introduites contre la Couronne*, le paragraphe (1) ne dégage pas la Couronne de la responsabilité qu'elle serait autrement tenue d'assumer à l'égard d'un délit civil commis par le conseil d'administration, un membre particulier de celui-ci ou un administrateur et la Couronne est responsable, en vertu de cette loi, d'un tel délit civil comme si le paragraphe (1) n'avait pas été adopté.

16/03

ONTARIO REGULATION 118/03

made under the

MUNICIPAL ACT, 2001

Made: March 29, 2003

Filed: April 1, 2003

TAX MATTERS — REGIONAL MUNICIPALITY OF PEEL

Designation

1. The Regional Municipality of Peel is designated for 2003 for the purposes of section 310 of the Act.

Delegation

2. (1) If The Regional Municipality of Peel passes a by-law under section 310 of the Act delegating the authority to establish tax ratios for 2003 to its lower-tier municipalities, a lower-tier municipality shall, for 2003,

- (a) use the tax ratios it establishes to calculate, with respect to each local municipality levy of the lower-tier municipality under section 312 of the Act, a separate tax rate on the assessment in each property class in the lower-tier municipality rateable for purposes of the local municipality levy;

- (b) establish and levy, with respect to each upper-tier levy of The Regional Municipality of Peel under section 311 of the Act, a separate tax rate on the assessment in each property class in the lower-tier municipality rateable for purposes of the upper-tier levy sufficient to raise the lower-tier municipality's portion of the upper-tier levy calculated under section 3.

- (2) The tax rates the lower-tier municipality establishes under clause (1) (b) must be in the same proportion to each other as the tax ratios established by the lower-tier municipality for the property classes are to each other.

- (3) Subsections 311 (7) to (9) and (22) to (25) of the Act apply with necessary modifications to the tax rates established by the lower-tier municipality under clause (1) (b) as if the lower-tier municipality were an upper-tier municipality.

- (4) An upper-tier levy by-law of The Regional Municipality of Peel under section 311 of the Act shall set out a lower-tier municipality's portion of an upper-tier levy calculated under section 3 and shall not establish tax rates to be levied by the lower-tier municipality to raise the lower-tier municipality's portion.

Portion to be raised

3. For the purposes of the upper-tier levy or any special upper-tier levy of The Regional Municipality of Peel under section 311 of the Act, the portion to be raised in each lower-tier municipality shall be as follows:

Mississauga	65.8549%
Brampton	29.1543%
Caledon	4.9908%

Revocation

4. Ontario Regulation 165/02 is revoked.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on March 29, 2003.

16/03

ONTARIO REGULATION 119/03

made under the

MUNICIPAL ACT, 2001

Made: March 31, 2003

Filed: April 1, 2003

LOCAL IMPROVEMENT CHARGES — PRIORITY LIEN STATUS**Interpretation**

1. (1) In this Regulation,

“construct” includes reconstruct, extend, enlarge, improve and alter and “construction” has a corresponding meaning;

“cost”, as applied to a work, means capital cost;

“court of revision” means a court of revision constituted under this Regulation;

“drive approach” means pavement on a highway which is constructed to serve as an approach to a particular lot;

“engineer” includes a person authorized or required by the council of a municipality to perform any duty that under this Regulation is required or authorized to be performed by an engineer;

“frontage”, when used in reference to a lot abutting on a work, means that side or limit of the lot that abuts on the work;

“lifetime”, as applied to a work, means the lifetime of the work as estimated by the engineer or, in case of an appeal, as finally determined by the court of revision;

“lot” means a parcel of land that is required to be separately assessed under the *Assessment Act*;

“municipality’s share of the cost” means that portion of the cost of a work that is payable by the municipality and that is not to be specially charged under this Regulation;

“owner” means, with respect to a lot and in the absence of evidence to the contrary, the person appearing by the last returned assessment roll, as most recently revised, to be the owner of the lot;

“owners’ share of the cost” means that portion of the cost of a work that is to be specially charged under this Regulation;

“pavement” means any type of highway surfacing;

“paving” includes laying down or constructing any kind of pavement;

“reduction” includes an exemption;

“sewer” includes a sanitary sewer and a storm drain;

“special charge” means a fee or charge imposed under Part XII of the Act in accordance with this Regulation in respect of the cost of a work undertaken as a local improvement, and “specially charged” has a corresponding meaning;

“value” means with respect to a lot, the assessed value of the land, as defined in the *Assessment Act*, according to the last returned assessment roll, as most recently revised;

“work” means a work that may be undertaken as a local improvement.

(2) The following works may be undertaken as local improvements:

1. Constructing a highway.
2. Constructing any works for the collection, production, treatment, storage, supply or distribution of water or for the collection, transmission, treatment or disposal of sewage.
3. Paving a highway.
4. Constructing a curb, gutter, sidewalk or retaining wall in, upon or along a highway.
5. Constructing a boulevard on a highway.
6. Sodding any part of a highway and planting trees, shrubs and plants on a highway.
7. Extending a system of gas or heat works, including all such works that may be necessary for supplying gas or heat to the owners of lots for whose benefit the extension is provided.
8. Constructing a park, square or other public place.
9. Constructing a retaining wall, dyke, breakwater, groyne, crib or other shore protection work along any body of water.

including standards and underground conduits and wires.

11. Constructing a highway or subway under a railway or another highway.
12. Widening pavement on a highway.
13. Constructing a water service pipe from the water main to the edge of the highway.
14. Constructing a private sewer connection from the main sewer to the edge of the highway.
15. Constructing a drive approach on a highway.
16. Constructing noise abatement works on a highway.

(3) The power to undertake a work as a local improvement includes the power to acquire an existing work and this Regulation applies as if the municipality were undertaking the work so acquired.

(4) Where a municipality has the authority, under section 23 of the Act or under any other provision of any Act, to undertake a private work of a type described in subsection (2), the municipality may undertake the private work as a local improvement and this Regulation applies to undertaking the private work as a local improvement as if the municipality were undertaking its own work.

(5) Where any person or body is required to give notice under this Regulation, the person or body shall, except as otherwise provided, give notice in the form and in the manner and at the time that the person or body considers adequate to give reasonable notice.

Local improvement charges by-law

2. (1) A municipality that has the authority to undertake a work described in subsection 1 (2) may, in accordance with this Regulation, pass a by-law to undertake the work as a local improvement for the purpose of raising all or any part of the cost of the work by imposing special charges on lots abutting on the work or lots not abutting on the work but which will be immediately benefited by the work or a combination of these abutting and non-abutting lots.

(2) If a municipality undertakes a work as a local improvement, a special charge imposed with respect to the work in accordance with this Regulation has priority lien status as described in section 1 of the Act.

(3) Despite subsection (1) and except where otherwise provided, no work undertaken as a local improvement,

(a) shall be reconstructed as a local improvement under this Regulation during its lifetime; or

(b) shall be repaired or maintained as a local improvement under this Regulation.

(4) A by-law for undertaking a work as a local improvement shall specify the estimated cost of the work, the owners' share of the cost and the municipality's share of the cost.

(5) Where a by-law has been passed for undertaking a work as a local improvement and the municipality wishes to make a change in the work to be undertaken, it may, with the approval of the Ontario Municipal Board, amend the by-law to provide for undertaking the work it now proposes and this Regulation, except sections 3, 4 and 5, applies to the altered work as if it had been provided for in the original by-law.

Notice of local improvement charges by-law

3. Before passing a by-law to undertake a work as a local improvement under section 2, the municipality shall give notice of its intention to pass the by-law to the public and to the owners of the lots liable to be specially charged and the notice shall include, where applicable,

- (a) a general description of the proposed work;
- (b) the location of the proposed work;
- (c) the estimated cost of the proposed work;
- (d) the estimated lifetime of the work;
- (e) the municipality's share of the cost;
- (f) a description of the lots liable to be specially charged with respect to the work;
- (g) the estimated annual special charge per metre frontage for lots abutting on the proposed work;
- (h) the estimated annual special charge per metre frontage for lots not abutting on the proposed work and where the non-abutting lots are divided into areas under subsection 9 (3), the estimated annual special charge per metre frontage in each area;
- (i) the number of years the special charges described in clauses (g) and (h) shall be paid;

- (j) if the municipality allows a single payment under section 30 instead of the payment of annual special charges, the present value calculated under that section of all the annual special charges and a description of the right to make a single payment;
- (k) if the municipality intends to apply to the Ontario Municipal Board under section 5 for approval to undertake the proposed work as a local improvement,
 - (i) a statement that the municipality intends to apply to the Board for this purpose,
 - (ii) a description of the right to object to the work being undertaken as a local improvement under section 5, and
 - (iii) the last day for filing an objection under section 5;
- (l) if the municipality has received an approval, recommendation or sufficient petition under clause 4 (2) (a), (b) or (c) with respect to the work, a statement of that fact;
- (m) if the municipality has not received an approval, recommendation or sufficient petition under clause 4 (2) (a), (b) or (c) with respect to the work, a description of the right to petition council not to undertake the work as a local improvement, the last day for making the petition and the effect of the petition.

Local improvement not to proceed for two years if petition received

4. (1) If, within 30 days after the notice with respect to a work is given to the public under section 3, the municipality receives a sufficient petition, as determined under section 7, against undertaking the work as a local improvement, the municipality shall not undertake the work as a local improvement within two years after the petition is received by the municipality.

(2) Despite subsection (1), a petition of the owners does not prevent the local municipality from undertaking the work as a local improvement if the municipality has received,

- (a) the approval of the Ontario Municipal Board under section 5 to undertake the work as a local improvement;
- (b) a recommendation from the Minister of Health and Long-Term Care or the board of health for the municipality that the construction of the work is necessary or desirable in the public interest on sanitary grounds; or
- (c) a sufficient petition, as determined under section 7, in favour of undertaking the work as a local improvement.

(3) A notice to an owner shall be deemed to be sufficiently served if it is served personally, is sent by mail to the owner's place of business or residence as set out in the last returned assessment roll of the municipality, as most recently revised, or is left at or sent by mail to the owner's actual place of business or residence, if it is known.

Application to Ontario Municipal Board

5. (1) A municipality may apply to the Ontario Municipal Board for approval to undertake a work as a local improvement and shall provide any information or material that the Board requires in connection with the application.

(2) Within 30 days after the municipality gives public notice under section 3 indicating that the municipality intends to apply to the Board for approval under this section, any owner liable to be specially charged may file an objection to the work being undertaken as a local improvement.

(3) The objection shall be filed with the clerk of the municipality and shall set out the objections and the reasons in support of the objections.

(4) If no objections are filed in accordance with this section, the municipality shall be deemed to have received the approval of the Board.

(5) If an objection is filed in accordance with this section and the municipality still intends to undertake the work as a local improvement with the approval of the Board, the municipality shall forward the objection to the Board together with the application or as soon thereafter as is reasonable.

(6) The Board shall hold a hearing to consider the application and the objections and may make any order with respect to the work as it considers appropriate.

(7) Once a municipality has given public notice under section 3 indicating that the municipality intends to apply to the Board for approval under this section,

- (a) the municipality shall not undertake the work as a local improvement until the approval of the Board has been received or is deemed to have been received or the municipality has given a new notice with respect to the work under section 3 which does not indicate it intends to apply to the Board under this section; and
- (b) the passing of a by-law to authorize undertaking the work as a local improvement shall be deemed not to be a contravention of this Regulation if the by-law provides that the by-law shall not take effect until the municipality receives the approval of the Board.

Petitions

6. (1) A petition in favour of undertaking a work as a local improvement must be signed by at least two-thirds of the owners representing at least one-half of the value of the lots liable to be specifically charged for the work.

(2) A petition against undertaking a work as a local improvement must be signed by at least a majority of the owners representing at least one-half of the value of the lots liable to be specially charged for the work.

(3) A petition in favour of or against undertaking a work as a local improvement shall contain a description of the lot of which each petitioner is the owner by its assessment roll number as shown on the last returned assessment roll, as most recently revised, or such other description as will enable the clerk of the municipality to identify it.

Sufficiency of petitions

7. (1) A petition for or against undertaking a work as a local improvement shall be filed with the clerk of the municipality and shall be deemed to be received by the municipality when it is so filed.

(2) The sufficiency of a petition for or against undertaking a work as a local improvement shall be determined and certified by the clerk of the municipality, and the clerk's certified determination is final and binding.

(3) Where the sufficiency of a petition has been determined by the clerk of the municipality, it shall be deemed to be a sufficient petition, even if the court of revision may change the lots to be specially charged, thereby increasing or reducing the number of the lots.

(4) Where it is necessary to determine the value of any lot and the value cannot be ascertained from the last returned assessment roll, as most recently revised, for any reason, the clerk of the municipality shall determine the value of the lot for the purposes of this Regulation and the value determined by the clerk is final and binding.

(5) Where two or more persons are jointly assessed for a lot, in determining the sufficiency of a petition,

(a) they shall be treated as one owner only; and

(b) the majority of them must sign the petition for the petition to be determined sufficient.

Withdrawal of petition

8. (1) A person cannot withdraw his or her name from a petition after the clerk has certified its sufficiency.

(2) If a person wishes to withdraw his or her name before the petition is certified, the person must file a written withdrawal with the clerk.

HOW COSTS ARE BORNE

Cost of local improvement

9. (1) Except as otherwise provided in this Regulation, for the purposes of raising the cost of undertaking a work as a local improvement, a municipality shall,

(a) determine the municipality's share of the cost, if any; and

(b) specially charge the owners' share of the cost in accordance with this Regulation,

(i) upon the lots abutting directly on the work according to the extent of their respective frontages by imposing an equal special charge per metre frontage,

(ii) upon lots not abutting on the work but immediately benefiting by it to the extent of their respective frontages by imposing an equal special charge per metre frontage, or

(iii) upon a combination of lots described in subclauses (i) and (ii).

(2) The following may be included in the cost of a work:

1. Engineering expenses.

2. Cost of advertising and service of notices.

3. Interest on short and long-term borrowing.

4. Compensation for lands taken for the purposes of the work or injuriously affected by it and the expenses incurred by the municipality in connection with determining such compensation.

5. Estimated cost of incurring long-term debt and any discount allowed to the purchasers of the debt.

(3) If lots described in subclause (1) (b) (ii) to be specially charged for a work are not equally benefited by the work, the lots shall be divided into as many areas as there are different levels of benefit so that each area includes all the lots that receive the same level of benefit.

(4) The municipality shall assign the cost of the work that is specially charged among the areas created under subsection (3) in the manner the municipality considers fair and the portion of the cost to be borne by an area shall be specially charged on the lots in the area according to the extent of their frontage by an equal special charge per metre frontage.

(5) The municipality may provide that the cost of a work to be specially charged upon lots is not required to be paid with respect to one or more of the lots that are exempt from taxation.

(6) If any Act, regulation or by-law provides that special charges under this Regulation are not required to be paid with respect to certain lots, then, despite the exemption, the lots shall for all purposes be subject to this Regulation and shall be specially charged but the special charges which become payable while such land remains exempt are not collectable from the owner but shall be paid by the municipality.

(7) Despite subsection (6) and sections 6 and 7, the owner of a lot to which subsection (6) applies may not petition in favour of or against undertaking a work as a local improvement and the owner of the lot and the value of the lot shall not be considered in determining the sufficiency of a petition.

Cost of water service pipe, private service connection, drive approach

10. (1) Subject to subsection (2), the cost of a water service pipe, private sewer connection or drive approach that is specially charged shall be specially charged on the particular lot for which it was constructed.

(2) Unless the two sides of a highway are served by separate water mains or sewers, the cost of water service pipes and private sewer connections shall be the cost of the work from the centre of the highway to the edge of the highway regardless of the location of the water main or sewer.

Deduction of grants, etc. from cost of work

11. (1) Where a municipality will receive a grant or other contribution in cash to be applied towards the cost of any work, the amount of the grant or other contribution shall be deducted from the entire cost of the work.

(2) Despite subsection (1), where a grant or other contribution is to be applied towards any excess cost of a work caused by reason of the work being constructed with a greater capacity than is required for the purposes of the lots that are specially charged, the amount of the grant or other contribution shall be applied to reduce the municipality's share of the cost.

Municipality's share of the cost

12. A municipality's share of the cost of a work shall include,

- (a) the entire cost of all hydrants constructed in connection with a water main and the entire cost of all culverts, catch basins and other works that are provided for surface drainage and that are incidental to the construction of a sewer or pavement;
- (b) so much of the cost of a work as is incurred at highway intersections;
- (c) any excess cost of a work caused by reason of the work being constructed with a greater capacity than is required for the purposes of the lots that are specially charged.

Cost of sewage outlet where lots are not benefited or served

13. Where the work is the construction of a sewer and it is necessary to construct an outlet for the sewage, and the lots fronting or abutting on the outlet or through which the outlet is constructed are not benefited or served by it, the cost of the outlet shall be deemed to be a part of the cost of the sewer and shall not be specially charged on the lots fronting or abutting on the outlet or through which the outlet is constructed.

Cost of sewage outlet on non-abutting benefited lands

14. Where the work is the construction of a sewer that is an outlet for sewage from lands not abutting on the work or is the installation and construction of sewage pumping works, force mains, siphons or other pumping facilities necessary for a sewer or sewer system in carrying sewage away from lots not abutting on the work, the cost of the work that is specially charged shall be specially charged on the lots not abutting on the work but immediately benefited by it.

Reductions and increases in special charges

15. (1) Where a corner lot has a flankage and a frontage that abuts on a work and the size and nature of the lot is such that all or part of the work that abuts on the flankage is of no benefit to the lot, a reduction shall be made in the amount to be specially charged in respect of that flankage sufficient to adjust the amount charged on that lot on a just and equitable basis as compared with the other specially charged lots.

(2) Where a lot other than a corner lot has a flankage and a frontage that abuts on a work and the size and nature of the lot is such that all or part of the work that abuts on the flankage is of no benefit to the lot, a reduction shall be made in the amount to be specially charged in respect of the flankage sufficient to adjust the amount charged on that lot on a just and equitable basis as compared with the other specially charged lots.

(3) Where a lot is for any reason in whole or in part unfit for building purposes, a reduction shall be made in the amount that is to be specially charged on the lot sufficient to adjust that amount as compared with the amount to be charged on lots fit for building purposes on a just and equitable basis.

(4) Where a lot has a frontage in excess of 30 metres and will not benefit from a work to the same degree as other lots benefited by the work, a reduction shall be made in the amount to be specially charged on the lot sufficient to adjust the amount charged on that lot on a just and equitable basis as compared with the other specially charged lots.

(5) A reduction or increase shall be made in the amount to be specially charged on a triangular or irregularly shaped lot sufficient, having regard to the situation, value and superficial area of the lot as compared with the other lots, to adjust the amount on a just and equitable basis.

(6) A reduction or increase required by this section shall be made by deducting from or adding to the total frontage of the lot liable to be specially charged a number of metres sufficient to make the proper reduction or increase, but the whole of the lot shall be charged with the amount to be specially charged on the lot.

(7) The amount of any reduction or increase in the amount to be specially charged on a lot shall be added to or deducted, respectively, from the municipality's share of the cost.

Reduction in special charges for work on lane

16. (1) Where the work is the constructing or paving of a lane or constructing a sewer for drainage purposes in a lane and the municipality is of the opinion that any lot abutting on the work is not benefited by the work, or is not benefited by it to the same extent as the other abutting lots, the municipality may reduce the amount to be specially charged on the not-benefited or less-benefited lot by deducting from the total frontage of the lot a number of metres sufficient to make the proper reduction.

(2) Where a reduction is made under subsection (1), the entire cost of the work shall be specially charged as if it were the cost with respect to the reduced frontage, but the whole of the lot shall be charged with the amount to be specially charged on the lot.

Apportioning special charges where lot is subdivided

17. (1) Where a lot that is or is to be specially charged is subdivided into two or more new lots, the municipality may apportion the special charges that would have otherwise been charged on the original lot among the new lots according to the extent of their respective frontages by imposing an equal special charge per metre frontage.

(2) Despite subsection (1), where the municipality is of the opinion that the new lots that are abutting on the work receive a greater benefit than the new non-abutting lots, the municipality may increase the amount to be specially charged on the new abutting lots and shall make a corresponding reduction in the amount to be specially charged on the new non-abutting lots.

(3) Despite subsection (1), where a municipality is of the opinion that a new lot that does not abut on the work does not benefit from the work to the same extent as the other new non-abutting lots, the municipality may adjust the special charges to be imposed on the new non-abutting lots to reflect their different levels of benefit.

(4) Section 20 applies with necessary modifications to the special charges imposed under subsection (1).

(5) The local improvement roll shall be amended to reflect the changes made under this section.

(6) For the purpose of subsection (1),

"special charges that would have otherwise been charged on the original lot" includes any special charges that would, but for this section, become part of the municipality's share of the cost because of any new highway provided for by the subdivision.

PROCEDURE FOR IMPOSING SPECIAL CHARGES

Court of revision

18. (1) A municipality may establish a court of revision consisting of three or five members appointed by the council of the municipality.

(2) Every member of the court of revision shall be qualified to be elected as a member of the council of the municipality.

(3) A majority of the members of the court of revision constitutes a quorum.

Local improvement roll

19. Before a special charge is imposed, the treasurer of the municipality shall prepare a local improvement roll setting out,

(a) the cost of the work;

(b) every lot to be specially charged, the name of the owner and the number of metres of its frontage to be specially charged;

(c) every lot that, but for subsection 9 (6), would be exempt from being specially charged and the number of metres of its frontage;

- (d) the annual special charge per metre frontage with which each lot is to be specially charged;
- (e) the number of years the annual special charges described in clause (d) shall be paid; and
- (f) the lifetime of the work.

Public notice

20. (1) Before a special charge is imposed, the municipality shall set a time and a place for the hearing by the court of revision of objections against the proposed local improvement roll and of the municipality's proposed revisions to the proposed local improvement roll.

(2) The municipality shall give notice to the public of the hearing by the court of revision and shall cause a notice of the hearing to be served on the owner of every lot to be specially charged.

(3) A notice under subsection (2) shall include,

- (a) the time and place of the hearing by the court of revision;
- (b) the purpose of the hearing;
- (c) the matters described in clauses 3 (a) to (j); and
- (d) the times when and places where a copy of the local improvement roll and of the statement of cost may be inspected under section 22.

(4) A notice to an owner shall be deemed to be sufficiently served if it is served personally, is sent by mail to the owner's place of business or residence as set out in the last returned assessment roll of the municipality, as most recently revised, or is left at or sent by mail to the owner's actual place of business or residence, if it is known.

(5) Any person who owns a lot to be specially charged may object to a special charge by filing an objection, setting out the objection and the reasons in support of it, with the clerk of the municipality not later than seven days before the day set for the hearing.

(6) The municipality may propose a revision to the proposed local improvement roll by filing a proposed revision, setting out the proposed revision and the reasons in support of it, with the clerk of the municipality not later than seven days before the day set for the hearing.

(7) Where no objection or proposed revision is received in accordance with this section, the treasurer of the municipality shall certify the local improvement roll, without a hearing by the court of revision.

Statement of cost of the work

21. (1) Before a special charge is imposed, the engineer and the treasurer of the municipality shall prepare and certify a statement showing the actual cost of the work.

(2) Where the final cost of the work is not yet known and, in the opinion of the engineer and treasurer, 75 per cent of the final cost of the work has been completed, the engineer and treasurer shall estimate the actual cost of the work for the purpose of subsection (1).

(3) Where the final cost of the work exceeds the estimated actual cost of the work set out in the statement, the excess shall be borne by the municipality.

(4) Where the actual cost of the work set out in the statement is an estimate, the engineer and the treasurer shall, when the final cost of the work is known, certify the final cost of the work and, if the final cost of the work is less than the actual cost of the work as shown in the statement or as corrected by the court of revision, the difference shall be applied as far as it will go to payment of the special charges imposed with respect to the work.

Public access to local improvement roll and statement of cost

22. A copy of the local improvement roll prepared under section 19 and of the statement of cost prepared under section 21,

- (a) shall be available for inspection at the office of the clerk of the municipality until the completion of the hearing held pursuant to section 20; and
- (b) shall be provided by the municipality to the court of revision before the start of the hearing held pursuant to section 20.

Court of revision may correct local improvement roll

23. The court of revision at a hearing held pursuant to section 20 may review the proposed local improvement roll and correct it as to all or any of the following matters:

1. The cost of the work.
2. The names of the owners of the lots.
3. The frontage or other measurements of the lots.

4. The amount of the reduction or increase to be made under section 15 or 16 in respect of any lot.

5. The lots which, but for subsection 9 (5) would be exempt from being specially charged.

6. The lifetime of the work.

7. The charge per metre frontage to be imposed on any lot.

8. If all or part of the owners' share of the cost is to be specially charged on lots not abutting on the work, those non-abutting lots that are to be specially charged and the amount of the special charge to be imposed on those lots.

Power of court of revision to add a lot to be specially charged

24. (1) Where it appears to the court of revision during a hearing held pursuant to section 20 that any lot that has not been specially charged should be specially charged or, as a result of a proposed revision by the municipality under section 20, a special charge for any lot should be changed, the court shall adjourn its hearing for not less than 14 days and shall cause notice to be served on the owner of the lot.

(2) A notice under subsection (1) shall include,

(a) the time and place of the resumption of the hearing of the court of revision;

(b) the purpose of the hearing;

(c) the matters described in clauses 3 (a) to (j); and

(d) the times when and places where a copy of the local improvement roll and of the statement of cost may be inspected under section 22.

(3) A notice to an owner shall be deemed to be sufficiently served if it is served personally, is sent by mail to the owner's place of business or residence as set out in the last returned assessment roll of the municipality, as most recently revised, or is left at or sent by mail to the owner's actual place of business or residence, if it is known.

(4) If the court of revision determines that any such lot ought to be specially charged, the court shall determine the amount to be specially charged on the lot.

(5) Despite subsection (1), the court of revision may, with the written consent of the owner of the lot, waive the need for an adjournment of its hearing or reduce the length of the adjournment to less than 14 days.

Special charge imposed where circumstances change

25. (1) Where a reduction is made under section 15 or 16 with respect to a lot and circumstances change so that the reduction is no longer warranted, the municipality may impose the special charge on the lot that would have originally been imposed for the year in which the circumstances change and for the remaining years in which special charges are imposed.

(2) Before an increased special charge is imposed under subsection (1), notice of the proposed special charge shall be given to the owner of the lot.

(3) A notice to an owner shall be deemed to be sufficiently served if it is served personally, is sent by mail to the owner's place of business or residence as set out in the last returned assessment roll of the municipality, as most recently revised, or is left at or sent by mail to the owner's actual place of business or residence, if it is known.

(4) A person may object to the increase to the special charge on the grounds that the special charge is incorrect or not warranted by filing a written objection, setting out the objection and the reasons in support of it, with the clerk of the municipality within 10 days of the personal service or mailing of the notice under subsection (3).

(5) The court of revision shall hold a hearing to consider the objection and may make any decision the municipality could have made.

Court of revision may reduce special charge in case of gross error

26. (1) The court of revision may, at any time after the certification of the local improvement roll, reduce any special charge for the current year and the remaining years for which the special charge is imposed if it determines that the special charge is incorrect by reason of any gross or manifest error.

(2) The amount of the reduction shall be borne by the municipality, except where otherwise provided.

Court of revision cannot change proportion of municipality's and owners' share of costs

27. The court of revision does not have the authority to change the proportion of the municipality's and the owners' share of the cost except to the extent that the proportion may be affected by a decision made under section 23, 24, 25 or 26.

Amendments to local improvement roll

28. (1) The treasurer of a municipality shall make corrections in the local improvement roll that are necessary to give effect to a decision of the court of revision, and the roll, when so corrected, shall be certified by the treasurer.

(2) The local improvement roll, when certified by the treasurer under subsection (1) or 20 (7), and the special charges set out in the certified local improvement roll are final and binding, except where otherwise provided.

(3) When the local improvement roll is certified by the treasurer under subsection (1) or 20 (7), the work in respect of which the roll has been prepared and certified shall be conclusively deemed to have been lawfully undertaken in accordance with this Regulation.

Special charges by-law

29. (1) After the treasurer of the municipality has certified the local improvement roll under section 20 or 28, the municipality shall by by-law provide that the amount specially charged on each lot set out in the roll shall be sufficient to raise that lot's share of the owners' share of the cost by a number of equal annual payments and that a special charge shall be imposed in each year on each lot equal to the amount of the payment payable in that year.

(2) The amount of each annual payment shall be entered in the local improvement roll.

(3) The annual payments with respect to a work shall not extend beyond the lifetime of the work or 30 years, whichever is shorter.

Annual payments commuted to one present value payment

30. Despite section 29, the municipality may allow all or the remaining annual payments to be commuted for a single payment equal to the present value of the annual payments and, for the purpose of calculating the present value, the municipality shall use the rate of interest it considers appropriate.

Agreement between municipalities re local improvement of shared highway

31. (1) Where a highway forms a boundary between two or more municipalities, whether it lies wholly within one municipality or partly within two or more municipalities, the municipalities may enter into an agreement to undertake in respect of the highway, or any part of it, any work that may be undertaken as a local improvement.

(2) The agreement may specify,

(a) the municipality that will undertake the work;

(b) the manner in which the cost of the work is to be financed;

(c) the proportions in which the municipality's share of the cost shall be borne by the municipalities respectively;

(d) the times at which amounts which are to be paid from one municipality to another municipality.

(3) The municipality that will undertake the work has all the powers and duties in respect of the work that may be exercised or are to be performed by a municipality that undertakes a work as a local improvement, and the highway shall, for the purposes of undertaking the work, be deemed to lie wholly within and to be under the exclusive jurisdiction of the municipality that will undertake the work.

(4) The clerk of the municipality that will undertake the work shall forthwith, after the passing of its by-law imposing the special charges upon lots, deliver or send by registered mail to the clerk of the municipality in which is situate any lot upon which the special charges have been imposed a copy of the by-law, certified under his or her hand and the seal of the municipality.

(5) The special charges required by the by-law to be imposed and collected in any year on lots in any municipality, other than the municipality that will undertake the work, shall be collected by the treasurer of the municipality in which the lots are located as if the tax had been imposed by that municipality and the proceeds of the special charges shall form part of the operating revenues of the municipality collecting the tax.

(6) A municipality that is a party to an agreement under this section may assume all or a part of the cost of any work undertaken under this section which is to be specially charged upon lots in the municipality and thereafter such cost shall form part of the municipality's share of the cost of the work.

Special charges do not encumber land

32. The costs specially charged or chargeable on a lot for or in respect of any work, except so much of it as is in arrears and unpaid, shall not, as between a vendor and a purchaser, or in respect of a covenant against encumbrances, or for the right to convey, or for quiet possession free from encumbrances, be deemed an encumbrance on that land.

DEBT

Restrictions on long-term debt for local improvement

33. (1) A municipality shall not incur long-term debt with respect to the cost of undertaking a work as a local improvement until,

(a) the work is completed; or

(c) the municipality has commenced construction of the work and has entered into an agreement for its completion that establishes the cost of completing the work.

(2) For the purpose of subsection (1), where a municipality is undertaking the construction of two or more sewers as local improvements which will be connected as a sewer system, all the sewers shall be deemed to be a single work.

Payment of long-term debt

34. Long-term debt incurred by a municipality with respect to the cost of undertaking a work as a local improvement shall be paid in full within the lifetime of the work.

Reserve fund for payment of long-term debt

35. (1) If a municipality incurs long-term debt with respect to the cost of undertaking a work as a local improvement, special charges imposed and collected in accordance with this Regulation with respect to the work shall be placed in a reserve fund for the payment of the long-term debt and the fund, including interest, shall not be used for any other purpose until the debt is paid in full.

(2) Subsection (1) does not apply to a present value payment under section 30 if the municipality reduced the amount of the long-term debt it incurred with respect to the work to reflect such payment.

Prescribed limits not applicable

36. Debt and financial obligation limits for municipalities prescribed under subsection 401 (4) of the Act do not apply to long-term debt incurred with respect to the owners' share of the cost of a work.

Levy imposed before debt incurred not illegal if by-law authorizing debt is passed

37. If a municipality has passed a by-law authorizing the municipality to incur long-term debt with respect to the cost of undertaking a work as a local improvement, any levy under section 311 or 312 of the Act to pay for the cost of the work shall not be found to be illegal because the long-term debt has not been incurred at the time the levy is imposed.

Borrowing or special charges by-law not invalid if local improvement roll is certified

38. (1) Where the local improvement roll with respect to a work is certified under section 20 or 28, no by-law for borrowing money or imposing special charges with respect to the work shall be quashed, set aside or otherwise found to be invalid because it is illegal or for any other defect in it.

(2) A court in which a proceeding is taken to quash, set aside or otherwise find a by-law described in subsection (1) to be invalid may, on such conditions as it considers appropriate, order the municipality to amend or replace the by-law so that it would be valid even in the absence of that subsection.

(3) A municipality, if requested by any person with whom or which the municipality has incurred any liability, obligation or debt under a by-law described in subsection (1), may amend or replace the by-law so that it would be valid even in the absence of that subsection.

(4) Every liability, obligation or debt incurred by the municipality under a by-law that is amended in the circumstances described in subsection (2) or (3) is as valid and binding as if the amended or replacement by-law had been in force at the time the liability, obligation or debt was incurred.

COMMENCEMENT

Commencement

39. This Regulation comes into force on the later of the day it is filed and April 1, 2003.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on March 31, 2003.

16/03

ONTARIO REGULATION 120/03

made under the

MEDICINE ACT, 1991

Made: November 1, 2002
Approved: March 26, 2003
Filed: April 3, 2003

Revoking O. Reg. 827/93
(Composition of Statutory Committees)

1. Ontario Regulation 827/93 is revoked.

COUNCIL OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:

A. M. BIENENSTOCK
President

ROCCO GERACE
Registrar

Dated on November 1, 2002.

16/03

ONTARIO REGULATION 121/03

made under the

MEDICINE ACT, 1991

Made: November 1, 2002
Approved: March 26, 2003
Filed: April 3, 2003

Revoking O. Reg. 913/93
(Elections)

1. Ontario Regulations 913/93 and 57/94 are revoked.

COUNCIL OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:

A. M. BIENENSTOCK
President

ROCCO GERACE
Registrar

Dated on November 1, 2002.

16/03

made under the
MEDICINE ACT, 1991

Made: November 1, 2002
Approved: March 26, 2003
Filed: April 3, 2003

Amending O. Reg. 114/94
(General)

Note: Ontario Regulation 114/94 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. **Parts I, III, VI, VIII and IX of Ontario Regulation 114/94 are revoked.**
2. **Section 44 of the Regulation is revoked.**

COUNCIL OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:

A. M. BIENENSTOCK
President

ROCCO GERACE
Registrar

Dated on November 1, 2002.

16/03

ONTARIO REGULATION 123/03

made under the
MEDICINE ACT, 1991

Made: November 1, 2002
Approved: March 26, 2003
Filed: April 3, 2003

Amending O. Reg. 865/93
(Registration)

Note: Ontario Regulation 865/93 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. **Sections 17 and 18 of Ontario Regulation 865/93 are revoked.**

COUNCIL OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:

A. M. BIENENSTOCK
President

ROCCO GERACE
Registrar

Dated on November 1, 2002.

16/03

ONTARIO REGULATION 124/03

made under the

THEATRES ACT

Made: April 2, 2003

Filed: April 4, 2003

Amending Reg. 1031 of R.R.O. 1990
(General)

Note: Regulation 1031 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 3 of Regulation 1031 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(1.1) Films classified as "adult accompaniment" before March 31, 2003 and not re-classified on or after that date are prescribed for the purposes of paragraph 1 of subsection 19 (3) of the Act.

2. (1) Subsections 11 (2), (3) and (3.1) of the Regulation are revoked and the following substituted:

(2) The wording on the sign shall be in English and, if the person who exhibits the film so wishes, may also be in French.

(2) Subsection 11 (4) of the Regulation is amended by striking out "used" and substituting "displayed or otherwise used".

3. (1) Subsection 12 (1) of the Regulation is amended by striking out "used" and substituting "displayed or otherwise used".

(2) Subsection 12 (2) of the Regulation is amended by striking out "uses" and substituting "displays or otherwise uses".

(3) Subsection 12 (3) of the Regulation is revoked.

4. Section 13 of the Regulation is revoked.

RÈGLEMENT DE L'ONTARIO 124/03

pris en application de la

LOI SUR LES CINÉMASpris le 2 avril 2003
déposé le 4 avril 2003modifiant le Règl. 1031 des R.R.O. de 1990
(Dispositions générales)

Remarque : Le Règlement 1031 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. L'article 3 du Règlement 1031 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction du paragraphe suivant :

(1.1) Les films classés dans la catégorie «accompagnement d'un adulte» avant le 31 mars 2003 et n'ayant pas fait l'objet d'une nouvelle classification ce jour-là ou ultérieurement sont prescrits pour l'application de la disposition 1 du paragraphe 19 (3) de la Loi.

2. (1) Les paragraphes 11 (2), (3) et (3.1) du Règlement sont abrogés et remplacés par ce qui suit :

(2) Le texte de l'affiche est en anglais et, si la personne qui projette le film le souhaite, peut également être en français.

(2) Le paragraphe 11 (4) du Règlement est modifié par substitution de «exhibée ou autrement utilisée relativement à» à «accompagnant».

3. (1) Le paragraphe 12 (1) du Règlement est modifié par substitution de «exhibées ou autrement utilisées relativement à» à «accompagnant».

(2) Le paragraphe 12 (2) du Règlement est modifié par substitution de «exhibe ou utilise autrement» à «utilise».

(3) Le paragraphe 12 (3) du Règlement est abrogé.

4. L'article 13 du Règlement est abrogé.

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—04—26

ONTARIO REGULATION 125/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: April 7, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03 and 32/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Essex (No. 12)	April 7, 2003

TIMOTHY PATRICK HUDAK

Minister of Consumer and Business Services

Dated on February 10, 2003.

17/03

ONTARIO REGULATION 126/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: April 2, 2003

Filed: April 7, 2003

Amending O. Reg. 339/02

(Electricity Pricing)

Note: Since the end of 2002, Ontario Regulation 339/02 has been amended by Ontario Regulations 51/03 and 99/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 2 of Ontario Regulation 339/02 is amended by adding the following paragraph:

- 6.1 A consumer who annually uses at least 150,000 but not more than 250,000 kilowatt hours of electricity and who is not otherwise eligible for treatment as a designated consumer under the Act or this Regulation.

2. The Regulation is amended by adding the following sections:

Obligation to make payments under subss. 79.1 (14) and (15) of the Act

3.4 (1) Despite any other provision of this Regulation, for the purposes of subsections 79.1 (14) and (15) of the Act, a distributor or retailer shall make a payment to a consumer who,

- (a) is a designated consumer under paragraph 6.1 of section 2; and

(b) has not received and is not eligible to receive any payment under Part V of the Act, other than a payment under this section.

(2) The amount of the payment to the consumer under subsection (1) shall be calculated in accordance with section 3.5.

Calculation of payments

3.5 (1) Subject to subsection (3), the amount of a payment by a distributor or retailer to a consumer under section 3.4 shall be determined in accordance with the following formula:

$$(A + B) - (C + D)$$

where,

A = subject to subsection (2), the total amount that the consumer was charged, by the distributor or retailer, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to April 30, 2003,

B = subject to subsections (2) and (3), the total amount that the consumer was charged, by other persons that were distributors or retailers that billed the consumer under retailer-consolidated billing, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to April 30, 2003,

C = subject to subsection (2), the total amount that the consumer would have been charged, by the distributor or retailer, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to April 30, 2003, if the commodity price for electricity had been 4.3 cents per kilowatt hour during that period,

D = subject to subsections (2) and (3), the total amount that the consumer would have been charged, by other persons that were distributors or retailers that billed the consumer under retailer-consolidated billing, in respect of the commodity price for electricity used, including total losses, during the period from May 1, 2002 to April 30, 2003, if the commodity price for electricity had been 4.3 cents per kilowatt hour during that period.

(2) If May 1, 2002 falls within a billing period that includes any day before that day, or if April 30, 2003 falls within a billing period that includes any day after that day, a distributor or retailer may, for the purpose of subsection (1), estimate the amounts charged during that billing period that relate to electricity used during the period from May 1, 2002 to April 30, 2003.

(3) The amounts of "B" and "D" in subsection (1) shall be deemed to be zero unless, not later than September 30, 2003, the distributor or retailer receives from the consumer or another person the information necessary to determine those amounts.

(4) The amounts of the payment that a distributor or retailer is required to make under section 3.4 to a consumer is the amount determined under subsection (1) or zero, whichever is greater.

(5) A distributor or retailer who is required to make a payment under section 3.4 shall do so by crediting the consumer's account and showing the credit on an invoice issued to the consumer or by some other form of payment mutually agreed on with the consumer at the most recent address provided by the consumer or at such other location as may be mutually agreed on.

(6) If a distributor maintains a PPVA account in respect of a consumer who is a designated consumer under paragraph 6.1 of section 2 and, on the day this section comes into force, there is a balance in the PPVA account to the credit of the distributor,

(a) subsection (1) does not apply to the consumer; and

(b) the distributor shall reduce the balance of the consumer's account to zero.

3. The Regulation is amended by adding the following section:

Limitation — no double rebates

7. Despite any other provision of this Regulation,

(a) a person who has received or is eligible to receive any payment arising from any license conditions that relate to the Minister's directive, dated March 24, 1999, to the Board under section 28 of the Act and any subsequent directive under section 28.1 of the Act for any period, is not eligible to receive a rebate or payment under this Regulation in respect of the same period; and

(b) section 79.1 of the Act does not apply to a distributor or retailer with respect to a consumer if the consumer has received or is eligible to receive any payment arising from any license conditions that relate to the Minister's directive, dated March 24, 1999, to the Board under section 28 of the Act and any subsequent directive under section 28.1 of the Act.

ONTARIO REGULATION 127/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: April 9, 2003

Filed: April 9, 2003

Amending O. Reg. 670/98
(Open Seasons — Wildlife)

Note: Ontario Regulation 670/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Item 32 of Table 7 of Ontario Regulation 670/98 is revoked and the following substituted:

ITEM	COLUMN 1 Species	COLUMN 2 Area (Nos. refer to WMUs unless otherwise stated)	COLUMN 3 Open Season — Residents and Non- Residents	COLUMN 4 Time Limits	COLUMN 5 Daily Bag Limits	COLUMN 6 Possession Limits
32.	Wild Turkey	59, 60A, 61, 62, 63, 64A, 64B, 65, 66A, 67, 68, 69A, 69B, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82A, 82B, 83A, 84, 85, 86, 87, 88, 89, 90, 91, 92A, 92B, 92C, 92D, 93A, 94B	From April 25, or if April 25 falls on a Saturday or Sunday, the Monday immediately following April 25, and ending on May 31.	½ hour before sunrise to 12 o'clock noon	As provided in Part VI of Ontario Regulation 665/98 (Hunting)	

JERRY J. OUELLETTE
Minister of Natural Resources

Dated on April 9, 2003.

17/03

ONTARIO REGULATION 128/03

made under the

ONTARIO WATER RESOURCES ACT

Made: April 2, 2003

Filed: April 10, 2003

Amending Reg. 903 of R.R.O. 1990
(Wells)

Note: Regulation 903 has not previously been amended.

1. (1) The definition of “annular space” in section 1 of Regulation 903 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“annular space” means an open space between a casing and the side of a well, and includes space between overlapping casings within the well;

(2) Section 1 of the Regulation is amended by adding the following definitions:

“ASTM” means ASTM International;

“AWWA” means the American Water Works Association;

“bentonite” means a commercially produced sealing material to be used in well construction or abandonment that,

(a) consists of more than 50 per cent sodium montmorillonite by weight,

(b) has the ability to swell in the presence of water,

- (c) does not provide nutrients for bacteria, and
- (d) does not impair the quality of water with which it comes in contact;

"dewatering well" means a well that is not used or intended for use as a source of water for agriculture or human consumption and that is made,

- (a) to lower or control the level of ground water in the area of the well, or
- (b) to remove materials that may be in the ground water;

(3) The definition of "flowing well" in section 1 of the Regulation is revoked and the following substituted:

"flowing well" means a well that has a static water level above the ground surface;

(4) Section 1 of the Regulation is amended by adding the following definitions:

"sealant" means,

- (a) a slurry consisting of clean water and at least 20 per cent bentonite solids, or
- (b) other material that is equivalent to a slurry described in clause (a) with respect to the ability to form a permanent watertight barrier;

"subsurface formation" includes an aquifer;

"suitable sealant" means a sealant that is compatible with the quality of the water found in the well;

"test hole" means a well that,

- (a) is made to test or to obtain information in respect of ground water or an aquifer, and
- (b) is not used or intended for use as a source of water for agriculture or human consumption;

"tremie pipe" means a pipe or tube with an inner diameter that is at least three times the diameter of the largest particle of material to pass through it and that is used to conduct material to the bottom of a hole, including a hole containing standing water;

"well record" means a form supplied by the Ministry for recording information about a well during construction or abandonment of the well.

2. The Regulation is amended by adding the following section:

SHALLOW WORKS

1.1 (1) A test hole or dewatering well that is made to a depth of not more than 3.0 metres below the ground surface is exempt from sections 36 to 50 of the Act and from this Regulation, unless,

- (a) it is constructed in a contaminated area;
- (b) it is constructed in an area with conditions likely to result in flowing wells; or
- (c) it penetrates through a formation that is not an aquifer.

(2) Despite subsection (1), a person who constructs a test hole or dewatering well described in that subsection shall ensure that the major horizons of soil are excavated separately, stored separately, kept free from contamination and backfilled in the same relative positions that they originally occupied.

(3) If it becomes apparent during construction, use or abandonment of a test hole or dewatering well that subsection (1) does not apply, the person who caused it to be constructed shall, unless subsection (4) applies, retain the services of the holder of a well contractor licence.

(4) If construction of a test hole or dewatering well is complete, the well owner has assumed control over the operation of the test hole or dewatering well, and it becomes apparent during use or abandonment of the test hole or dewatering well that subsection (1) does not apply, the well owner shall retain the services of the holder of a well contractor licence.

(5) The holder of a well contractor licence who is retained under subsection (3) or (4) shall ensure compliance with the Act, this Regulation and the *Environmental Protection Act*.

(6) Subsections (3) and (4) do not apply if the person who would otherwise be required to retain the services of the holder of a well contractor licence has an employee who is the holder of a well technician licence and who ensures compliance with the Act, this Regulation and the *Environmental Protection Act*.

3. Section 2 of the Regulation is revoked and the following substituted:

2. (1) An application for issuance of a well contractor licence shall be on a form supplied by the Ministry and shall be submitted along with the required fee.

(2) An application for renewal of a well contractor licence shall be on a form supplied by the Ministry and shall be submitted along with the required fee.

(3) If the applicant is a corporation or partnership, the application shall be completed and signed by the official representatives referred to in paragraph 1 of section 4.

4. Subsection 3 (3) of the Regulation is revoked and the following substituted:

(3) Every holder of a well contractor licence shall notify the Director in writing of any change in the information submitted under section 2 or subsection (2) within 10 days after the date of the change.

5. (1) Paragraphs 1 and 2 of section 4 of the Regulation are revoked and the following substituted:

1. If the licensee is a corporation or partnership, it shall ensure that,
 - i. at least one director, officer or partner is designated as the official representative of the licensee at all times, and
 - ii. the official representatives have been assigned the responsibility of ensuring that the Act and this Regulation are complied with.
2. The licensee shall maintain insurance in a form approved by the Superintendent of Financial Services of the Province of Ontario for every well construction business carried on by the licensee, with respect to the liability of the licensee and the licensee's employees arising out of the well construction business,
 - i. in an amount not less than \$2,000,000 for property damage arising out of any one incident, and
 - ii. in an amount of not less than \$2,000,000 for the death of or bodily injury to any person not an employee of the licensee, for each such person,but the contract of insurance may,
 - iii. limit the insurer's liability under the contract of insurance arising out of any one incident to \$5,000,000, and
 - iv. provide that the insured shall be responsible for a stated amount, up to \$1,000, for each claim for which coverage is required.

(2) Paragraph 4 of section 4 of the Regulation is revoked.

6. (1) Paragraph 3 of subsection 5 (1) of the Regulation is revoked and the following substituted:

3. Other Well Construction being a licence authorizing the holder to construct and supervise the construction of wells, or a type of well described in the licence, by only the methods or equipment specified in the licence.

(2) Subsections 5 (2) to (8) of the Regulation are revoked and the following substituted:

(2) An application for a well technician licence shall be on a form supplied by the Ministry and shall be submitted along with the required fee.

(3) An application for renewal of a well technician licence shall be on a form supplied by the Ministry and shall be submitted along with the required fee.

7. (1) Subsection 6 (3) of the Regulation is revoked and the following substituted:

(3) The following are prescribed as qualifications for an applicant for any class of well technician licence:

1. Successful completion of a course of study, of at least 30 hours, that is approved by the Director for the class of well technician licence applied for and that addresses the following topics:
 - i. The Act and this Regulation.
 - ii. Licensing of well contractors and well technicians.
 - iii. Water quality health and safety considerations.
 - iv. Choosing the location of a well and assessing site conditions.
 - v. Geologic conditions and soil types.
 - vi. Construction requirements, including,
 - A. casing,
 - B. annular space,
 - C. disinfection,
 - D. pump installation,
 - E. venting,

F. testing of well yield, and

G. maintenance.

vii. Abandonment, including plugging and sealing.

viii. Workplace safety.

ix. Case studies.

2. Four thousand hours of work experience helping at or doing the activity that would be authorized by the licence applied for, or a combination of work experience and other qualifications that the Director considers equivalent.

(2) Section 6 of the Regulation is amended by adding the following subsection:

(4) Every holder of a well technician licence shall notify the Director in writing of any change in the information submitted under section 5 or subsection (2) within 10 days after the date of the change.

8. Section 7 of the Regulation is amended by adding the following paragraph:

5. The licensee shall, promptly after receipt of his or her licence, return to the Director any assistant well technician identification card previously issued to the licensee under this Regulation.

9. Subsections 8 (2), (3) and (4) of the Regulation are revoked and the following substituted:

(2) If the applicant for a well contractor licence is a corporation or partnership, the examination required under subsection (1) shall be taken by each of the official representatives referred to in paragraph 1 of section 4.

(3) An application for an appointment to take an examination shall be on a form supplied by the Ministry and shall be accompanied by the required fee.

10. The Regulation is amended by adding the following section:

CONTINUING EDUCATION — WELL TECHNICIANS

8.1 (1) If a well technician licence expires after December 31, 2005 and an application is made to renew it, it is a qualification of renewing the licence that the applicant must have successfully completed continuing education courses approved by the Director that consist of a total of at least 21 hours of instruction in the period that ends on the date the application is submitted and began on the later of the following dates:

1. January 1 of the third calendar year preceding the calendar year in which the licence expires.

2. The last day of instruction in a continuing education course that was previously relied on by the applicant for the purpose of this subsection and that ended in the third calendar year preceding the calendar year in which the licence expires.

(2) If a well technician licence is renewed during a calendar year in accordance with subsection (1), that subsection does not apply to a further renewal that occurs during the following two calendar years.

11. Section 9 of the Regulation is revoked and the following substituted:

9. (1) An assistant well technician without an identification card issued under this section is exempt from section 43 of the Act when working at the construction of wells if he or she is supervised by a holder of a well technician licence who is present at the site.

(2) An assistant well technician to whom an identification card has been issued under this section is exempt from section 43 of the Act when working at the construction of wells on behalf of the licensee named on the card if,

(a) the expiry date on the card has not yet been reached;

(b) he or she carries the card with him or her and produces it on the request of an employee or agent of the Ministry; and

(c) he or she is supervised by the holder of a well technician licence who is available to be called to the site within one hour.

(3) A holder of a well contractor licence may, not earlier than four months after an assistant well technician begins to work as an employee or agent of the holder of the licence, apply to the Director on a form supplied by the Ministry for an identification card for the technician.

(4) A holder of a well contractor licence may, when the identification card for the assistant well technician is about to expire, apply to the Director on a form supplied by the Ministry for a new identification card for the technician.

(5) An identification card issued under this section for an assistant well technician shall bear an expiry date that is not more than 36 months after the date of issue.

(6) A person for whom an identification card is issued shall return the card to the Director promptly after ceasing to be the employee or agent of the licensed contractor named on the card.

12. Section 10 of the Regulation is revoked.

13. (1) Section 11 of the Regulation is amended by adding the following subsections:

(3.1) Before the construction of a cased well is completed, the person constructing the well shall obtain a well tag from the Ministry and shall affix it permanently to the outside of the casing at a point where it will be visible and will not be obstructed by the well cap or other components of the well or by equipment associated with the well.

(3.2) If an alteration is made to a cased well that already has a well tag, the person constructing the alteration shall safeguard the well tag during construction and shall reaffix it in accordance with subsection (3.1).

(3.3) Despite subsection (3.2), if an alteration is made to a cased well that already has a well tag and the well tag is broken, defaced, illegible or otherwise unusable, the person constructing the alteration shall,

- (a) remove the well tag and dispose of it; and
- (b) obtain a new well tag from the Ministry and affix it in accordance with subsection (3.1).

(3.4) Despite subsections (3.1) to (3.3), if one well record is prepared for a cluster of wells in accordance with section 11.1, it is not necessary to affix a well tag to a well in the cluster if a well tag is already affixed to at least one other well in the cluster.

(2) Section 11 of the Regulation is amended by adding the following subsection:

(4.1) Subsection (4) does not apply to a test hole or dewatering well.

(3) Subsection 11 (5) of the Regulation is revoked and the following substituted:

(5) On completion of construction of a well, the person constructing the well shall,

- (a) test the yield of the well in accordance with section 19;
- (b) deliver a copy of an information package about wells obtained from the Ministry to the well owner before the well construction equipment is removed from the site;
- (c) complete the well record for the well, including the record of Global Positioning System coordinates for the well location;
- (d) deliver a copy of the well record to the well owner within 14 days after the date on which the well construction equipment is removed from the site;
- (e) forward a copy of the well record to the Director within 30 days after the date on which the well construction equipment is removed from the site; and
- (f) retain a copy of the well record for two years.

(5.1) Subsection (5) does not apply to a person who installs pumping equipment in a well for which a well record has already been completed.

(5.2) Subsection (5) does not apply to a person who installs equipment of any of the following types in a well if a well record has already been completed for the well and the equipment installation does not involve substantial alteration of the well:

- 1. Equipment to determine the water level.
- 2. Equipment to sample the water.
- 3. Equipment to test a quality or characteristic of the water.

(5.3) Subsection (5) does not apply in respect of a test hole or dewatering well that,

- (a) is constructed as an uncased well and is not required by this Regulation to be cased;
- (b) is abandoned within 30 days after completion of its construction; and
- (c) is abandoned in accordance with section 21.

(5.4) Clause (5) (a) does not apply on completion of construction of a test hole or dewatering well if the person constructing it measures the static water level in the well by means of a plastic or metal tape, an air line or an electrical device, and ensures that any part of the tape, line or device that comes into contact with water in the well is clean.

(5.5) Clauses (5) (b) and (f) do not apply to a test hole or dewatering well.

(5.6) Subsections (2), (3), (4) and (5) do not apply to a person who installs water sampling or monitoring equipment in a well if the person is present at the well throughout the entire period that the equipment remains installed in the well.

(4) Section 11 of the Regulation is amended by adding the following subsection:

(6.1) Subsection (6) does not apply to a test hole or dewatering well.

(5) Subsections 11 (7) to (10) of the Regulation are revoked and the following substituted:

(7) If a flowing well is constructed, the person constructing the well,

(a) shall construct the well to accommodate and be compatible with an appropriate device that controls the discharge of water from within the well casing, is capable of stopping the discharge of water from within the well casing, and is capable of withstanding the freezing of water in the well casing;

(b) shall install a device described in clause (a);

(c) shall construct the well and install the device described in clause (a) in a manner that prevents any flow of water from the well or at the well site, other than the flow through the device; and

(d) shall construct the well and install the device described in clause (a) in a manner that prevents backflow of water into the well or well casing.

(8) Clauses (7) (b), (c) and (d) do not apply if the well is abandoned in accordance with section 21.

(9) Every contract for the construction of a well shall be deemed to contain a term that makes the person undertaking construction of the well responsible for,

(a) the cost of complying with subsection (7); and

(b) if clauses (7), (b), (c) and (d) do not apply pursuant to subsection (8), the cost of abandoning the well.

(10) Subsection (9) does not apply to a written contract that expressly releases the person undertaking construction of the well from the responsibility referred to in that subsection.

(11) If a well casing extends above the ground surface, the person constructing the well shall ensure that the surface drainage is such that water will not collect or pond in the vicinity of the well.

14. The Regulation is amended by adding the following section:

WELL CLUSTERS

11.1 (1) Despite clause 11 (5) (c), a person constructing wells may complete one well record for a cluster of wells instead of a separate well record for each individual well if all the following circumstances exist:

1. Every well in the cluster is a test hole or every well in the cluster is a dewatering well.

2. Every well in the cluster is located,

i. on the same property as another well in the cluster,

ii. on a property that is adjacent to a property on which another well in the cluster is located, or that would be adjacent but for a road between the two properties,

iii. on a property that has only one or two intervening properties between it and a property on which another well in the cluster is located.

3. The construction of every well in the cluster is complete or, if the wells are being constructed in phases, the construction of every well in the relevant phase of construction is complete.

4. The well owner of every well in the cluster has given written consent to the use of a single well record for the cluster and the water well record states that all the required consents have been given.

(2) For the purpose of subparagraph 2 iii of subsection (1), the following rules apply to the determination of the number of intervening properties between two properties on which wells are located:

1. The number of intervening properties shall be determined along a straight line joining the two wells.

2. If the straight line mentioned in paragraph 1 crosses a road, the road shall not be counted as an intervening property, unless one or both of the two wells is located on or inside the boundaries of the road.

3. If part of the straight line mentioned in paragraph 1 is on or within the boundaries of a road, the number of intervening properties shall be determined with reference to the properties adjacent to that portion of the road, on the side of the road that has fewer properties.

(3) A person constructing wells who completes one well record for a cluster of wells under subsection (1) shall,

(a) include in the well record a detailed map showing all the wells in the cluster, all property boundaries, and measurements sufficient to locate all of the wells in relation to fixed points and Global Positioning System coordinates;

(b) indicate in the well record, in a convenient, concise and comprehensive manner, which of the wells share common features, such as diameter, construction technique, casing, venting, pumping equipment and method of abandonment;

... the new record a statement that the person constructing the well will promptly submit to the Director, on request, any additional information in the person's custody or control related to any well in the cluster that the person has constructed;

- (d) despite clause 11 (5) (d), deliver to each well owner a copy of the well record for the cluster of wells within 60 days after the commencement of construction of the first well or, if the wells are being constructed in phases, within 60 days after the commencement of construction of the first well in the relevant phase of construction; and
- (e) despite clause 11 (5) (e), forward a copy of the well record for the cluster of wells to the Director within 75 days after the commencement of construction of the first well or, if the wells are being constructed in phases, within 75 days after the commencement of construction of the first well in the relevant phase of construction.

(4) If one well record is completed for a cluster of wells under subsection (1), a person who does any subsequent construction that affects any of the wells in the cluster may complete one new well record in respect of the subsequent construction, as long as the new well record refers to the number of the original well record and identifies which of the wells in the cluster are affected by the subsequent construction.

(5) A person constructing wells who completes a new well record under subsection (4) shall,

- (a) despite clause 11 (5) (d), deliver to each well owner affected by the subsequent construction a copy of the well record within 60 days after the commencement of the subsequent construction or, if the subsequent construction is done in phases, within 60 days after the commencement of the relevant phase of the subsequent construction; and
- (b) despite clause 11 (5) (e), forward a copy of the well record to the Director within 75 days after the commencement of the subsequent construction or, if the subsequent construction is done in phases, within 75 days after the commencement of the relevant phase of the subsequent construction.

15. Section 12 of the Regulation is revoked and the following substituted:

12. (1) The site of a new well shall be separated by at least the clearance distance required by Ontario Regulation 403/97 (Building Code) from a leaching bed system or other sewage system as defined in that regulation, including a sewage system that has not been constructed but for which a building permit has been issued.

(2) The site of a new drilled well that has a watertight casing that extends to a depth of more than six metres below ground level shall be at least 15 metres from a source of pollution other than one mentioned in subsection (1).

(3) The site of,

- (a) a new drilled well that does not have a watertight casing that extends to a depth of more than six metres below ground level; or
- (b) a new well that is not a drilled well,

shall be at least 30 metres from a source of pollution other than one mentioned in subsection (1).

(4) The site of a new well shall be chosen so that the well is accessible for cleaning, treatment, repair, testing, inspection and visual examination at all times before, during and after completion of construction of the well.

(5) The site of a new well shall be at an elevation higher than the immediately surrounding area.

(6) Subsections (1) to (5) do not apply to a test hole or dewatering well.

(7) A well pit shall not be constructed at any location.

(8) Despite subsection (7), a well pit may be constructed for a well that is created by diamond drilling equipment in connection with mineral exploration.

(9) The following requirements apply to a well pit constructed under subsection (8):

1. Section 13 applies as if the well pit were a well.
2. The floor of the well pit shall be covered with a layer of suitable sealant at least 10 centimetres thick.
3. The top of the well pit shall be covered with a solid, waterproof cover, sufficient to prevent the entry of foreign materials into the well pit.
4. The cover on the well pit shall be fastened in place in a manner that will make it difficult for children to remove the cover.
5. The well pit shall be kept dry by means of a sump pump.
6. Despite paragraph 5, if the water table is substantially lower than the floor of the well pit, the well pit may be kept dry by means of drainage through a one-way valve that passes through the layer of sealant and that is located near the perimeter of the well pit.
7. The top of the casing of the drilled well shall be at least 40 centimetres above the floor of the well pit.

8. The top of the casing of the drilled well shall be sealed with a commercially manufactured sanitary seal and shall be provided with a length of air vent line sufficient to extend above the covering of the well pit.

(10) No person shall construct a well by penetrating through the bottom of a bored or dug well by means of drilling or by the use of a jetted point or driven point.

16. Section 13 of the Regulation is revoked and the following substituted:

13. (1) Casing shall be new material.

(2) Subsection (1) does not apply to a test hole or dewatering well if abandonment of the test hole or dewatering well is scheduled to take place not later than 180 days after completion of construction.

(3) Casing shall be clean and free of contamination.

(4) Casing shall not impair the quality of water with which it comes in contact.

(5) Casing shall be watertight.

(6) Any seams in casing shall achieve a permanent watertight bond.

(7) Cement casing shall be fully cured before installation.

(8) A well that obtains water from an overburden aquifer shall be cased from the water-producing zone to at least 40 centimetres above the highest point on the ground surface within three metres radially from the well, after the surface drainage conforms with subsection 11 (11), as measured at the time the well is completed.

(9) A well that obtains water from a bedrock aquifer shall be cased from the bedrock to at least 40 centimetres above the highest point on ground surface within three metres radially from the well, after the surface drainage conforms with subsection 11 (11), as measured at the time the well is completed.

(10) Subsections (8) and (9) do not apply if,

(a) the well is made by the use of a jetted point or driven point;

(b) the well is cased, from the highest point on the ground surface within three metres radially from the well, after the surface drainage conforms with subsection 11 (11), to,

(i) the water-producing zone, if the well obtains water from an overburden aquifer, or

(ii) the bedrock, if the well obtains water from a bedrock aquifer;

(c) the top of the casing is completed by the use of a buried joint to a suction water line that leads to a pump; and

(d) a permanent marker identifies the location of the well and is visible at all times of year.

(11) Subsections (8) and (9) do not apply to a test hole or dewatering well if,

(a) the well is located where vehicle traffic is likely to pass directly over the well;

(b) the well is completed with a flush-mounted watertight commercially manufactured well cover; and

(c) the well cover is sufficiently strong, durable and well-installed to protect the well from damage, or the well cover is covered with a metal plate that is sufficiently large and sufficiently strong, durable and well-installed to protect the well cover and the well from damage.

(12) The casing of a well that obtains water from a bedrock aquifer shall be sealed into the bedrock with suitable sealant to prevent impairment of the quality of the water in the well and aquifer.

(13) Subsection (12) does not apply to a test hole or dewatering well.

(14) If a well is constructed with a well pit,

(a) subsections (8), (9) and (12) do not apply; and

(b) the well shall be cased from the bottom of the well pit to at least 40 centimetres above the highest point on the ground surface within three metres radially from the well, after the surface drainage conforms with subsection 11 (11), as measured at the time the well is completed.

(15) A well to which subsection (8), (9) or (10) applies shall, despite that subsection,

(a) have at least six metres of casing below the level of the original ground surface, unless clause (b) applies; or

(b) have at least 2.5 metres of casing below the level of the original ground surface, if a casing that extended to six metres below the level of the original ground surface would not permit the use of the only useful aquifer.

(16) The following are the minimum specifications for casing:

1. The casing specifications for high yield wells in Table 2 of AWWA 100-97.

2. The outer permanent casing in double walled casing constructions must be steel pipe that conforms to ASTM A252 or ASTM A500.
3. Steel casing with an inside diameter of more than 50.8 millimetres must have a nominal wall thickness of 4.78 millimetres and a minimum wall thickness of 4.18 millimetres and must conform to ASTM A-53 Grade B, ASTM A589 Grade B or ASTM A500 Grade B or C.
4. Steel casing with an inside diameter of 50.8 millimetres or less must have a nominal wall thickness of 2.77 millimetres and a minimum wall thickness of 2.41 millimetres and must conform to ASTM A-53 Grade B, ASTM A589 Grade B or ASTM A500 Grade B or C.
5. Galvanized steel casing that is corrugated and that is used in bored or dug wells must be 18 gauge and must conform to ASTM A-53 Grade B, ASTM A589 Grade B or ASTM A500 Grade B or C.
6. Cement casing with an inside diameter of 60.96 centimetres or more must have nominal wall thickness of 5.08 centimetres.
7. Plastic casing with an inside diameter of 10.16 centimetres or more must have a minimum wall thickness of 0.635 centimetres and must be ABS or PVC pipe approved for potable water use by the Canadian Standards Association, the Canadian Society for Testing and Materials, ASTM or NSF International.
8. Fibre-reinforced plastic casing must be manufactured from virgin resin and virgin fibres and must be approved for potable water use by NSF International.

(17) Subsections (15) and (16) do not apply to a test hole or dewatering well.

(18) The casing used in a well shall be continuous casing.

(19) Joints in casing are prohibited, except for joints that,

- (a) achieve a permanent, watertight bond, such as welded steel joints; and
- (b) are made so that the jointed casing does not impair the quality of water with which it comes in contact.

(20) The annular space between casings of different diameters shall be sealed with suitable sealant to prevent the entry into the well of any substance, including foreign materials and surface water.

(21) No person shall ground a lightning rod by attaching it, directly or indirectly, to the casing of a well.

17. Section 14 of the Regulation is revoked and the following substituted:

14. (1) If a well is constructed by any method, the well shall be at least six metres deep, unless the only useful aquifer available necessitates a shallower well, in which case the well shall be at least three metres deep.

(2) Subsection (1) does not apply to a test hole or dewatering well.

(3) If a well is constructed by a method other than the use of a driven point, the well shall be constructed with a diameter at least 7.6 centimetres greater than the proposed diameter of the finished well, from the ground surface to a depth of at least the full depth of the well or six metres, whichever is less.

(4) If a well is constructed by a method other than digging or the use of a driven point, the annular space shall be filled from the bottom of the well to the ground surface with suitable sealant in accordance with the following rules:

1. The water-producing zone shall be filled with clean, washed gravel or sand that is,
 - i. deposited after placement of the casing, or
 - ii. developed, after placement of the casing and sealant, by surging water through the intake zone to remove the adjacent fine grained soils.
2. The sealant must be continuously deposited so that it fills the annular space from the top of the water-producing zone upward by,
 - i. being forced through the bottom end of the casing, or
 - ii. being forced through a tremie pipe with the bottom end of the pipe immersed in the rising accumulation of sealant.
3. If the sealant used to fill the annular space contains cement,
 - i. it shall be allowed to set according to the manufacturer's specifications or for 12 hours, whichever is longer, and
 - ii. if, after setting in accordance with subparagraph i, the sealant has settled or subsided, it shall be topped up to the original level.

(5) Subsection (3) does not apply if,

- (a) the well is constructed by a method other than digging or the use of a driven point;

- (b) the well is constructed with a diameter at least 5.1 centimetres greater than the proposed diameter of the finished well, from the ground surface to a depth of at least the full depth of the well or six metres, whichever is less;
- (c) the suitable sealant used to comply with subsection (4) has a maximum particle size that will not be subject to bridging; and
- (d) proper alignment is ensured by,
 - (i) in the case of a well constructed using a cable tool rig, the use of a breakaway guide for centering the casing that does not impair the quality of the water with which it comes into contact and that is placed two metres above the bottom of the casing, or
 - (ii) in the case of a well constructed using a rotary rig, the use of centralizers located below a depth of six metres.
- (6) Subsections (3) to (5) do not apply to,
 - (a) a test hole or dewatering well if abandonment of the test hole or dewatering well is scheduled to take place not later than 180 days after completion of construction; or
 - (b) a dewatering well constructed by the use of a jetted point.

(7) The person who constructs a well shall ensure that the annular space is sealed to prevent any movement of water, natural gas, contaminants or other material between subsurface formations or between a subsurface formation and the ground surface by means of the annular space.

(8) If a well, other than a test hole or dewatering well, is constructed with a well pit, subsection (4) does not apply to the well pit but does apply, with necessary modifications, from the bottom of the annular space to the bottom of the well pit.

(9) If a test hole or dewatering well, other than a test hole or dewatering well referred to in subsection (6), is constructed with a well pit, subsection (4) does not apply to the well pit but does apply, with necessary modifications, from the bottom of the annular space to the bottom of the well pit.

(10) If a well is constructed by digging, the annular space shall be filled to the ground surface in accordance with the following rules:

1. The annular space from the bottom of the well to a depth not closer to the ground surface than 2.5 metres shall be filled with clean, washed and disinfected gravel or sand.
2. The remainder of the annular space shall be filled with suitable sealant.

(11) Subsection (10) does not apply to a test hole or dewatering well.

(12) If a well is constructed by the use of a driven point, the annular space shall be filled to the ground surface using a material and a method approved in writing by the Director that, in the opinion of the Director, will ensure that there are no gaps or air spaces in the material placed in the annular space.

(13) Subsection (12) does not apply to a test hole or dewatering well.

(14) If a well is deepened, this section and section 13 apply, with necessary modifications, as if a new well were being constructed, but continued use of the casing in the existing well is permitted if the casing appears sound.

(15) This section does not apply to a well that is constructed with a casing surrounded by a permanent casing of larger diameter (sometimes referred to as a double walled casing), but,

- (a) subsections (1) to (7) and (14) apply, with necessary modifications, to the annular space outside the outer casing; and
- (b) subsections (4), (6) and (7) apply, with necessary modifications, to the annular space between the casings, unless there is no ground water leaking into the annular space between the casings.

18. Section 15 of the Regulation is revoked and the following substituted:

DISINFECTION

15. (1) When the construction of a well is completed, the water in the well shall be chlorinated to a concentration of approximately 50 milligrams of chlorine per litre of water and maintained at that concentration for a period of at least 12 hours.

(2) If pumping equipment is installed in a well,

- (a) the chlorinated water shall be brought into contact and maintained in contact with all areas of the pumping equipment that will come into contact with the water in the well when the well is in use; and
- (b) at the end of the 12-hour period of chlorination, the chlorinated water shall be pumped from the well until no odour of chlorine remains in the well water.

(3) Subsections (1) and (2) do not apply if the Director gives written approval to another method of disinfection and the approved method is complied with.

(4) This section does not apply to a test hole, dewatering well or flowing well.

19. Section 17 of the Regulation is revoked and the following substituted:

17. (1) If a connection to the casing of a drilled well is made below the ground surface, a well seal or pitless adapter shall be used and the connection shall be made watertight.

(2) A cutting torch shall not be used to make an opening in the casing wall to accommodate a pitless adapter.

(3) If a connection to the casing of a bored or dug well is made below the ground surface,

(a) the connection shall be made watertight with durable bonding material; and

(b) the outside trench excavation shall be filled with suitable sealant extending from the casing a minimum distance outward of 0.5 metres and extending from the bottom of the excavation to within 0.5 metres of the ground surface.

(4) If a pump is not located directly over a well, the top of the casing shall be sealed with a commercially manufactured vermin-proof well cap.

(5) If a pump is installed directly over a well,

(a) the casing shall be extended to at least 40 centimetres above the ground surface or, if a floor has been constructed around or adjacent to the casing, to at least 15 centimetres above the floor; and

(b) the top of the casing shall be shielded in a manner sufficient to prevent entry of any material that may impair the quality of the water in the well.

20. Section 18 of the Regulation is revoked and the following substituted:

18. (1) If pumping equipment is installed in a drilled well, other than a well in which the casing is used to transmit water out of the well,

(a) an air vent shall be installed with a minimum inside diameter of,

(i) 0.3 centimetres, if the inside diameter of the casing is less than 12.7 centimetres, or

(ii) 1.2 centimetres, if the inside diameter of the casing is 12.7 centimetres or more;

(b) the air vent,

(i) shall be of sufficient length to extend above the covering of the well pit, if a well pit exists, or

(ii) shall extend above the ground surface a distance sufficient to prevent the entry of flood water from any anticipated flooding in the area but not less than 40 centimetres, if no well pit exists;

(c) the air vent shall extend above the well cap;

(d) the open end of the air vent shall be shielded and screened in a manner sufficient to prevent the entry of any materials into the well; and

(e) if natural gas is present, the air vent shall be extended to the outside atmosphere in a manner that will safely disperse all gases.

(2) Subsection (1) does not apply to an uncased test hole or an uncased dewatering well.

21. Subsections 19 (1), (2), (3) and (4) of the Regulation are revoked and the following substituted:

(1) If the yield of water from a well is tested,

(a) the water level in the well shall be measured and recorded on the well record for the well,

(i) immediately before commencement of pumping,

(ii) at one minute intervals or more frequently during the first five minutes of pumping,

(iii) at five minute intervals or more frequently during the next 25 minutes of pumping,

(iv) at 10 minute intervals or more frequently during the next 30 minutes of pumping,

(v) at one minute intervals or more frequently during the first five minutes after pumping stops,

(vi) at five minute intervals or more frequently during the next 25 minutes after pumping stops, and

(vii) at 10 minute intervals or more frequently during the next 30 minutes after pumping stops;

(b) the water level in the well shall be measured by means of a plastic or metal tape that is clean or an air line or electrical device that is clean;

(c) water shall be pumped from the well at a steady rate, continuously for at least one hour; and

(d) the rate of pumping during the test shall be recorded on the well record.

(2) If water cannot be pumped from the well continuously for one hour in accordance with clause (1) (c), no further measurements are required under clause (1) (a) and there shall be recorded on the well record,

- (a) the reason pumping was discontinued;
- (b) the rate of pumping and the length of the pumping period; and
- (c) the water level measurements made.

22. Section 20 of the Regulation is amended by adding the following subsection:

(1.1) Subsection (1) does not apply to a test hole or dewatering well.

23. (1) Subsection 21 (1) of the Regulation is revoked and the following substituted:

(1) If a well is abandoned, the person abandoning the well shall ensure that the following steps are taken and, unless otherwise specified, they shall be taken in the sequence in which they are set out in this subsection:

1. If the well already has a well tag, the well tag shall be safeguarded and, when the steps required by paragraph 10 are taken, the well tag shall be reused for the purpose of complying with that paragraph.
 2. All equipment and debris in the well shall be removed, but well casing shall not be removed unless it has collapsed.
 3. The volume of water in the well shall be estimated and at least that volume of water shall be pumped from the well.
 4. At least 25 litres of a solution of 50 milligrams of chlorine per litre of water shall be put into the well and the water remaining in the well shall be chlorinated to at least that concentration.
 5. The well, including the annular space, shall be plugged by,
 - i. in the case of any well, placing a continuous column of an abandonment barrier from the bottom of the well upward to approximately one metre below the ground surface so that it prevents any movement of water, natural gas, contaminants or other material between subsurface formations or between a subsurface formation and the top of the abandonment barrier, or
 - ii. in the case of a well that is greater than 65.0 centimetres in diameter, taking the steps described in subsection (1.2).
 6. If it was not removed under paragraph 2, the well casing shall be removed to a minimum depth of two metres below the ground surface, and the removal shall be done during the taking of the steps required by paragraph 5 but after the material placed in the well under that paragraph has reached a level approximately two metres below the ground surface.
 7. If an abandonment barrier placed under paragraph 5 contains cement, it shall be allowed to set until firm and, if necessary, it shall then be topped up to approximately one metre below the ground surface.
 8. Unless they are used or maintained for future use, the above ground structures associated with the well shall be dismantled at any time before the steps required by paragraph 10 are taken.
 9. Below ground concrete structures, foundations and slabs shall be removed, at any time before the steps required by paragraph 10 are taken, at least to a depth adequate to accommodate the sealing measures described in paragraph 10.
 10. The well shall be sealed at the ground surface by,
 - i. placing at least 50 centimetres in vertical thickness of bentonite chips or pellets in the well opening, with the existing well tag, if any, pushed two centimetres into the top of the bentonite chips or pellets, and
 - ii. covering the entire well opening to the ground surface by at least 30 centimetres in vertical thickness of soil cover to prevent inadvertent or unauthorized access.
 11. The disturbed area shall, to the extent practical, be revegetated.
- (1.1) The following rules apply for the purpose of paragraph 5 of subsection (1):
1. The abandonment barrier for a well that is less than or equal to 6.5 centimetres in diameter must be compatible with the quality of the water found in the well and must be a slurry consisting of clean water, Portland cement and not more than 5 per cent bentonite.
 2. The abandonment barrier for a well that is more than 6.5 centimetres in diameter must be compatible with the quality of the water found in the well and must be,
 - i. a slurry consisting of clean water and at least 20 per cent bentonite solids,
 - ii. a slurry consisting of clean water, Portland cement and not more than 5 per cent bentonite,
 - iii. a slurry consisting of clean water and Portland cement,
 - iv. a slurry consisting of clean water, Portland cement and clean, disinfected sand,

- v. a slurry consisting of equal weights of Portland cement and clean, disinfected gravel, mixed with clean water,
- vi. a slurry (sometimes called concrete slurry) consisting of clean water, Portland cement, clean, disinfected sand, and clean, disinfected gravel, or
- vii. other material approved in writing by the Director, if the Director is of the opinion that the performance of the other material is equivalent to the performance of a slurry referred to in subparagraphs i to vi.

- 3. If the well is in contact with contaminants, the abandonment barrier must be stable in the presence of the contaminants.
- 4. Subject to paragraph 5, an abandonment barrier that is wet shall be placed using a tremie pipe, with the bottom of the tremie pipe immersed in the rising accumulation of the abandonment barrier until the required level has been reached.
- 5. In the case of a well that is less than or equal to 6.5 centimetres in diameter, the abandonment barrier may be placed without the use of a tremie pipe, by pouring it down the casing before the casing is removed.

(1.2) The steps referred to in subparagraph 5 ii of subsection (1) with respect to a well that is greater than 65.0 centimetres in diameter, which shall be taken in the sequence in which they are set out in this subsection, are the following:

- 1. Clean, disinfected sand or pea gravel shall be placed from the bottom of the well to the top of the deepest formation supplying water to the well or to the top of the water intake zone of the well, whichever is deeper.
- 2. At least 0.1 metre of bentonite chips or pellets shall be placed over the sand or pea gravel.
- 3. If the water level can be drawn down to the top of the bentonite chips or pellets,
 - i. the water level shall be drawn down to the top of the bentonite chips or pellets,
 - ii. at least 0.3 metres of a bentonite slurry that consists of clean water and at least 20 per cent bentonite solids and that is compatible with the quality of the water found in the well shall be placed over the bentonite chips or pellets, and
 - iii. clean gravel, sand, silt or clay shall be dropped over the bentonite slurry to fill the remainder of the well, while maintaining at least 0.3 metres of the bentonite slurry above the rising accumulation of gravel, sand, silt or clay.
- 4. If the water level cannot be drawn down to the top of the bentonite chips or pellets, the remainder of the well shall be filled with an abandonment barrier, which may be interspersed with clean, disinfected sand or pea gravel placed in each water intake zone of the well.

(1.3) If the well is a flowing well, commercially manufactured drilling mud that does not impair the quality of the water with which it comes in contact may be used, in taking the steps required by subsection (1), to assist with drilling or placement of an abandonment barrier, but the drilling mud may not be used as an abandonment barrier.

(1.4) On completion of the abandonment of a well, the person abandoning the well shall,

- (a) complete the well record for the well, including the record of Global Positioning System coordinates for the well location;
- (b) deliver a copy of the well record to the well owner,
 - (i) within 14 days after the date on which the well construction equipment is removed from the site, or
 - (ii) within 60 days after the date on which the well construction equipment is removed from the site, if the well is part of a well cluster for which one well record was prepared in accordance with section 11.1; and
- (c) forward a copy of the well record to the Director,
 - (i) within 30 days after the date on which the well construction equipment is removed from the site, or
 - (ii) within 75 days after the date on which the well construction equipment is removed from the site, if the well is part of a well cluster for which one well record was prepared in accordance with section 11.1.

(1.5) A person constructing a well that is discontinued before completion shall forthwith abandon the well.

(2) Subsections 21 (4) and (5) of the Regulation are revoked and the following substituted:

- (4) A well owner shall forthwith abandon a well that,
 - (a) produces salty, sulphurous or mineralized water;
 - (b) produces water that is not potable;
 - (c) contains natural gas or other gas;
 - (d) permits any movement of natural gas, contaminants or other materials between subsurface formations or between a subsurface formation and the ground surface; or
 - (e) is constructed in contravention of any provision of this Regulation dealing with the location or spacing of wells, the methods and materials used in the construction of wells or the standards of well construction.

(5) Subsection (4) does not apply if the well owner has the written consent of the Director.

(5.1) Subsection (2) and clauses (4) (a), (b) and (c) do not apply to a test hole or dewatering well.

(5.2) Clauses (4) (a) and (b) do not apply to a well that,

(a) is used or intended for use as a source of water for agriculture; and

(b) is not used as a source of water for human consumption.

24. The Regulation is amended by adding the following section:

PROTECTION OF WELL TAG

22. (1) No person shall use a well tag obtained from the Ministry, except in accordance with this Regulation.

(2) No person shall remove a well tag affixed in accordance with this Regulation, except,

(a) in accordance with subsection 11 (3.2) or (3.3) or paragraph 1 of subsection 21 (1); or

(b) with the written consent of the Director.

(3) No person shall deface, alter, conceal or obstruct a well tag affixed in accordance with this Regulation.

25. Forms 1 to 9 of the Regulation are revoked.

26. (1) Subject to subsection (2), this Regulation comes into force on the first day of the fourth month after the month in which this Regulation is filed.

(2) Subsection 7 (1) comes into force on January 1, 2004.

17/03

ONTARIO REGULATION 129/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: April 9, 2003

Filed: April 10, 2003

Amending O. Reg. 670/98

(Open Seasons — Wildlife)

Note: Ontario Regulation 670/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Items 5, 18 and 69 of Table 5 to Ontario Regulation 670/98 are revoked and the following substituted:

ITEM	COLUMN 1 Area (Nos. refer to WMUs unless otherwise stated)	COLUMN 2 Open Season — Residents	COLUMN 3 Open Season — Non-Residents	COLUMN 4 Class of Firearm
5.	3, 13, 14, 15A, 15B, 21A	From the Saturday closest to September 17 to the third following Friday, in any year.	Closed season	1
18.	63B, 68A, 68B, 71	From October 1 to the Sunday immediately prior to the first Monday in November, in any year AND: From the Sunday immediately prior to the third Monday in November to December 31 in any year.	From October 1 to the Sunday immediately prior to the first Monday in November, in any year AND: From the Sunday immediately prior to the third Monday in November to December 31 in any year.	1

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Area (Nos. refer to WMUs unless otherwise stated)	Open Season — Residents	Open Season — Non-Residents	Class of Firearm
69.	3, 11B, 12A, 12B, 13, 14 15A, 15B, 21A	From the Saturday closest to October 8 to December 15, in any year.	Closed season	7

JERRY J. OUELLETTE
Minister of Natural Resources

Dated on April 9, 2003.

17/03

ONTARIO REGULATION 130/03
made under the
FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: April 9, 2003
Filed: April 10, 2003

Amending O. Reg. 663/98
(Area Descriptions)

Note: Ontario Regulation 663/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Item 16 of the Table to Schedule 2 of Part 1 of Ontario Regulation 663/98 is revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
16	229	AT-17	R.R.

(2) Item 18 of the Table to Schedule 2 of Part 1 of the Regulation is revoked.

(3) Items 19, 40 and 41 of the Table to Schedule 2 of Part 1 of Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
19	229	AT-20	R.R.
40	220	AT-46	Ken
41	220	AT-47	Ken

(4) The Table to Schedule 2 of the Regulation is amended by adding the following item:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
46	232	AT-53	Ken

2. The Table to Schedule 4 of Part 1 of the Regulation is revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
1	223	BL-2	AI
2	223	BL-3	AI
3	223	BL-4	AI
4	223	BL-6	AI
5	223	BL-7	AI
6	223	BL-8	AI
7	223	BL-9	AI
8	223	BL-10	AI
9	223	BL-11	AI
10	223	BL-12	AI
11	223	BL-13	AI
12	223	BL-14	AI

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
13	223	BL-16	AI
14	223	BL-17	AI
15	223	BL-19	AI
16	223	BL-20	AI
17	223	BL-21	AI
18	223	BL-22	AI
19	223	BL-23	AI
20	223	BL-24	AI
21	223	BL-26	AI
22	223	BL-27	AI
23	223	BL-29	AI
24	223	BL-30	AI
25	223	BL-33	AI
26	223	BL-34	AI
27	223	BL-35	AI
28	223	BL-36	AI
29	223	BL-37	AI
30	223	BL-38	AI
31	223	BL-39	AI
32	223	BL-40	AI
33	223	BL-41	AI
34	223	BL-44	AI
35	223	BL-45	AI
36	223	BL-46	AI
37	223	BL-48	AI
38	223	BL-50	AI
39	223	BL-51	AI
40	223	BL-52	AI
41	223	BL-53	AI
42	223	BL-54	AI
43	223	BL-55	AI
44	223	BL-56	AI
45	223	BL-57	AI
46	223	BL-58	AI
47	223	BL-59	AI
48	223	BL-60	AI
49	223	BL-64	AI
50	223	BL-65	AI
51	223	BL-66	AI
52	223	BL-68	AI
53	223	BL-69	AI
54	223	BL-70	AI
55	223	BL-71	AI
56	223	BL-72	AI
57	223	BL-73	AI
58	223	BL-74	AI
59	223	BL-75	AI
60	223	BL-76	AI
61	223	BL-77	AI
62	223	BL-78	AI
63	223	BL-79	AI
64	223	BL-80	AI
65	223	BL-81	AI
66	223	BL-82	AI
67	223	BL-84	AI
68	223	BL-85	AI
69	223	BL-86	AI
70	223	BL-87	AI
71	223	BL-88	AI
72	223	BL-89	AI

3. Items 28 and 29 of the Table to Schedule 5 of Part 1 of the Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
28	221	BR-32	P.S. & Nip

4. (1) Items 66 and 80 of the Table to Schedule 6 of Part 1 of the Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
66	230	CP-67	Sud
80	230	CP-81	Sud

(2) Item 88 of the Table to Schedule 6 of Part 1 of the Regulation is revoked.

5. Items 40, 44, 46 and 62 of the Table to Schedule 7 of Part 1 of the Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
40	222	CC-72	Co
44	222	CC-76	Co
46	222	CC-78	Co
62	222	CC-95	Co

6. (1) Item 15 of the Table to Schedule 8 of Part 1 of the Regulation is revoked.

(2) Item 33 of the Table to Schedule 8 of Part 1 of the Regulation is revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
33	224	DR-33	Ken

7. (1) Items 20, 21 and 31 of the Table to Schedule 10 of Part 1 of the Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
20	225	FF-21	Ken
21	225	FF-22	Ken
31	225	FF-32	R.R.

(2) Item 51 of the Table to Schedule 10 of Part 1 of the Regulation is revoked.

(3) The Table to Schedule 10 of Part 1 of the Regulation is amended by adding the following item:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
61	225	FF-62	Ken

8. (1) Item 35 of the Table to Schedule 18 of Part 1 of the Regulation is revoked.

(2) Items 40 and 45 of the Table to Schedule 18 of Part 1 of the Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
40	226	KL-49	Tim
45	226	KL-55	Tim

(3) Item 52 of the Table to Schedule 18 of Part 1 of the Regulation is revoked.

(4) Items 74 and 75 of the Table to Schedule 18 of Part 1 of the Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
74	233	KL-85	Tim

9. (1) Item 32 of the Table to Schedule 19 of Part 1 of the Regulation is revoked.

(2) Item 35 of the Table to Schedule 19 of Part 1 of the Regulation is revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
35	231	MD-42	Pet

10. The Table to Schedule 23 of Part 1 of the Regulation is amended by adding the following items:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
83	227	PS-184	P.S.
84	227	PS-187	P.S.
85	227	PS-190	P.S.
86	227	PS-192	P.S.
87	227	PS-193	P.S.

11. The Table to Schedule 26 of Part 1 of the Regulation is revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
1	223	SS-1	Al
2	223	SS-2	Al
3	223	SS-3	Al
4	223	SS-4	Al
5	223	SS-7	Al
6	223	SS-8	Al
7	223	SS-10	Al
8	223	SS-11	Al
9	223	SS-12	Al
10	223	SS-13	Al
11	223	SS-14	Al
12	223	SS-15	Al
13	223	SS-17	Al
14	223	SS-18	Al
15	223	SS-20	Al
16	223	SS-21	Al
17	223	SS-22	Al
18	223	SS-25	Al
19	223	SS-26	Al
20	223	SS-27	Al
21	223	SS-28	Al
22	223	SS-29	Al
23	223	SS-31	Al
24	223	SS-32	Al
25	223	SS-33	Al
26	223	SS-34	Al
27	223	SS-35	Al
28	223	SS-36	Al
29	223	SS-37	Al
30	223	SS-38	Al
31	223	SS-40	Al
32	223	SS-41	Al
33	223	SS-42	Al
34	223	SS-43	Al
35	223	SS-44	Al
36	223	SS-46	Al
37	223	SS-47	Al
38	223	SS-48	Al
39	223	SS-49	Al
40	223	SS-50	Al
41	223	SS-51	Al
42	223	SS-52	Al
43	223	SS-53	Al
44	223	SS-54	Al
45	223	SS-56	Al
46	223	SS-57	Al
47	223	SS-58	Al
48	223	SS-59	Al
49	223	SS-117	Al
50	223	SS-118	Al
51	223	SS-119	Al
52	223	SS-120	Al & Sud

12. Items 121 and 122 of the Table to Schedule 31 of Part 1 of the Regulation are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
121	228	TB-153	T.B.
122	228	TB-154	T.B.

JERRY J. OUELLETTE
Minister of Natural Resources

Dated on April 9, 2003.

17/03

ONTARIO REGULATION 131/03

made under the

ARTHUR WISHART ACT (FRANCHISE DISCLOSURE), 2000

Made: April 10, 2003

Filed: April 11, 2003

Amending O. Reg. 9/01

(Exemption of Franchisors under Subsection 13 (1) of the Act)

Note: Since the end of 2002, Ontario Regulation 9/01 has been amended by Ontario Regulation 39/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 9/01 is amended by striking out the following item:

Mr. Submarine Limited

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Dated on April 10, 2003.

17/03

ONTARIO REGULATION 132/03

made under the

EDUCATION ACT

Made: April 2, 2003

Filed: April 11, 2003

Amending O. Reg. 156/02

(Student Focused Funding — Legislative Grants for the 2002-2003
School Board Fiscal Year)

Note: Ontario Regulation 156/02 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 30 (1) of Ontario Regulation 156/02 is amended by adding the following paragraph:

4. \$138,900.

RÈGLEMENT DE L'ONTARIO 132/03

pris en application de la

LOI SUR L'ÉDUCATIONpris le 2 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 156/02

(Financement axé sur les besoins des élèves —

subventions générales pour l'exercice 2002-2003 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 156/02 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Le paragraphe 30 (1) du Règlement de l'Ontario 156/02 est modifié par adjonction de la disposition suivante :

4. 138 900 \$.

17/03

ONTARIO REGULATION 133/03

made under the

EDUCATION ACTMade: April 2, 2003
Filed: April 11, 2003

Amending O. Reg. 156/02

(Student Focused Funding — Legislative Grants for the 2002-2003
School Board Fiscal Year)

Note: Since the end of 2002, Ontario Regulation 156/02 has been amended by Ontario Regulation 132/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Table 1 of Ontario Regulation 156/02 is revoked and the following substituted:

TABLE/TABLEAU 1

INTENSIVE SUPPORT AMOUNT GRANT FOR LEVEL 2 AND LEVEL 3 PUPILS/
ALLOCATION D'AIDE SPÉCIALISÉE DE NIVEAU 2 ET DE NIVEAU 3

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
1.	District School Board Ontario North East	5,556,000
2.	Algoma District School Board	7,206,000
3.	Rainbow District School Board	5,118,000
4.	Near North District School Board	6,816,000
5.	Keewatin-Patricia District School Board	4,926,000
6.	Rainy River District School Board	1,365,000
7.	Lakehead District School Board	5,819,288
8.	Superior-Greenstone District School Board	1,101,000
9.	Bluewater District School Board	7,941,000
10.	Avon Maitland District School Board	7,314,000
11.	Greater Essex County District School Board	12,705,000
12.	Lambton Kent District School Board	8,487,000

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
13.	Thames Valley District School Board	33,792,000
14.	Toronto District School Board	126,582,000
15.	Durham District School Board	24,747,000
16.	Kawartha Pine Ridge District School Board	14,076,000
17.	Trillium Lakelands District School Board	11,124,000
18.	York Region District School Board	25,680,000
19.	Simcoe County District School Board	22,665,000
20.	Upper Grand District School Board	8,883,000
21.	Peel District School Board	30,090,000
22.	Halton District School Board	16,881,000
23.	Hamilton-Wentworth District School Board	17,847,000
24.	District School Board of Niagara	12,534,900
25.	Grand Erie District School Board	11,718,000
26.	Waterloo Region District School Board	16,509,000
27.	Ottawa-Carleton District School Board	29,724,000
28.	Upper Canada District School Board	19,644,000
29.	Limestone District School Board	11,880,000
30.	Renfrew County District School Board	3,168,000
31.	Hastings and Prince Edward District School Board	9,156,000
32.	Northeastern Catholic District School Board	2,604,000
33.	Nipissing-Parry Sound Catholic District School Board	2,520,000
34.	Huron-Superior Catholic District School Board	1,761,000
35.	Sudbury Catholic District School Board	1,746,000
36.	Northwest Catholic District School Board	501,000
37.	Kenora Catholic District School Board	777,000
38.	Thunder Bay Catholic District School Board	3,069,000
39.	Superior North Catholic District School Board	549,000
40.	Bruce-Grey Catholic District School Board	1,644,000
41.	Huron Perth Catholic District School Board	1,725,000
42.	Windsor-Essex Catholic District School Board	10,263,000
43.	English-language Separate District School Board No. 38	5,925,000
44.	St. Clair Catholic District School Board	4,530,000
45.	Toronto Catholic District School Board	39,318,000
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	7,944,000
47.	York Catholic District School Board	15,786,000
48.	Dufferin-Peel Catholic District School Board	23,964,000
49.	Simcoe Muskoka Catholic District School Board	7,443,000
50.	Durham Catholic District School Board	7,812,000
51.	Halton Catholic District School Board	8,343,000
52.	Hamilton-Wentworth Catholic District School Board	11,466,000
53.	Wellington Catholic District School Board	1,683,000
54.	Waterloo Catholic District School Board	9,066,000
55.	Niagara Catholic District School Board	8,625,000
56.	Brant Haldimand Norfolk Catholic District School Board	3,027,000
57.	Catholic District School Board of Eastern Ontario	5,982,000
58.	Ottawa-Carleton Catholic District School Board	10,956,000
59.	Renfrew County Catholic District School Board	2,801,767
60.	Algonquin and Lakeshore Catholic District School Board	4,263,000
61.	Conseil scolaire de district du Nord-Est de l'Ontario	1,101,000
62.	Conseil scolaire de district du Grand Nord de l'Ontario	2,655,000
63.	Conseil scolaire de district du Centre Sud-Ouest	1,545,000
64.	Conseil de district des écoles publiques de langue française n° 59	3,315,000

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
65.	Conseil scolaire de district catholique des Grandes Rivières	3,027,000
66.	Conseil scolaire de district catholique Franco-Nord	2,634,000
67.	Conseil scolaire de district catholique du Nouvel-Ontario	3,135,000
68.	Conseil scolaire de district catholique des Aurores boréales	705,000
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	2,037,000
70.	Conseil scolaire de district catholique Centre-Sud	3,513,000
71.	Conseil scolaire de district catholique de l'Est ontarien	7,062,000
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	8,142,000

RÈGLEMENT DE L'ONTARIO 133/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 2 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 156/02

(Financement axé sur les besoins des élèves —

subventions générales pour l'exercice 2002-2003 des conseils scolaires)

Remarque : Depuis la fin de 2002, le Règlement de l'Ontario 156/02 a été modifié par le Règlement de l'Ontario 132/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Le tableau 1 du Règlement de l'Ontario 156/02 est abrogé et remplacé par ce qui suit :

TABLE/TABLEAU I

INTENSIVE SUPPORT AMOUNT GRANT FOR LEVEL 2 AND LEVEL 3 PUPILS/ ALLOCATION D'AIDE SPÉCIALISÉE DE NIVEAU 2 ET DE NIVEAU 3

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
1.	District School Board Ontario North East	5,556,000
2.	Algoma District School Board	7,206,000
3.	Rainbow District School Board	5,118,000
4.	Near North District School Board	6,816,000
5.	Keewatin-Patricia District School Board	4,926,000
6.	Rainy River District School Board	1,365,000
7.	Lakehead District School Board	5,819,288
8.	Superior-Greenstone District School Board	1,101,000
9.	Bluewater District School Board	7,941,000
10.	Avon Maitland District School Board	7,314,000
11.	Greater Essex County District School Board	12,705,000
12.	Lambton Kent District School Board	8,487,000
13.	Thames Valley District School Board	33,792,000
14.	Toronto District School Board	126,582,000
15.	Durham District School Board	24,747,000
16.	Kawartha Pine Ridge District School Board	14,076,000
17.	Trillium Lakelands District School Board	11,124,000

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
18.	York Region District School Board	25,680,000
19.	Simcoe County District School Board	22,665,000
20.	Upper Grand District School Board	8,883,000
21.	Peel District School Board	30,090,000
22.	Halton District School Board	16,881,000
23.	Hamilton-Wentworth District School Board	17,847,000
24.	District School Board of Niagara	12,534,900
25.	Grand Erie District School Board	11,718,000
26.	Waterloo Region District School Board	16,509,000
27.	Ottawa-Carleton District School Board	29,724,000
28.	Upper Canada District School Board	19,644,000
29.	Limestone District School Board	11,880,000
30.	Renfrew County District School Board	3,168,000
31.	Hastings and Prince Edward District School Board	9,156,000
32.	Northeastern Catholic District School Board	2,604,000
33.	Nipissing-Parry Sound Catholic District School Board	2,520,000
34.	Huron-Superior Catholic District School Board	1,761,000
35.	Sudbury Catholic District School Board	1,746,000
36.	Northwest Catholic District School Board	501,000
37.	Kenora Catholic District School Board	777,000
38.	Thunder Bay Catholic District School Board	3,069,000
39.	Superior North Catholic District School Board	549,000
40.	Bruce-Grey Catholic District School Board	1,644,000
41.	Huron Perth Catholic District School Board	1,725,000
42.	Windsor-Essex Catholic District School Board	10,263,000
43.	English-language Separate District School Board No. 38	5,925,000
44.	St. Clair Catholic District School Board	4,530,000
45.	Toronto Catholic District School Board	39,318,000
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	7,944,000
47.	York Catholic District School Board	15,786,000
48.	Dufferin-Peel Catholic District School Board	23,964,000
49.	Simcoe Muskoka Catholic District School Board	7,443,000
50.	Durham Catholic District School Board	7,812,000
51.	Halton Catholic District School Board	8,343,000
52.	Hamilton-Wentworth Catholic District School Board	11,466,000
53.	Wellington Catholic District School Board	1,683,000
54.	Waterloo Catholic District School Board	9,066,000
55.	Niagara Catholic District School Board	8,625,000
56.	Brant Haldimand Norfolk Catholic District School Board	3,027,000
57.	Catholic District School Board of Eastern Ontario	5,982,000
58.	Ottawa-Carleton Catholic District School Board	10,956,000
59.	Renfrew County Catholic District School Board	2,801,767
60.	Algonquin and Lakeshore Catholic District School Board	4,263,000
61.	Conseil scolaire de district du Nord-Est de l'Ontario	1,101,000
62.	Conseil scolaire de district du Grand Nord de l'Ontario	2,655,000
63.	Conseil scolaire de district du Centre Sud-Ouest	1,545,000
64.	Conseil de district des écoles publiques de langue française n° 59	3,315,000
65.	Conseil scolaire de district catholique des Grandes Rivières	3,027,000
66.	Conseil scolaire de district catholique Franco-Nord	2,634,000
67.	Conseil scolaire de district catholique du Nouvel-Ontario	3,135,000
68.	Conseil scolaire de district catholique des Aurores boréales	705,000
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	2,037,000

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
70.	Conseil scolaire de district catholique Centre-Sud	3,513,000
71.	Conseil scolaire de district catholique de l'Est ontarien	7,062,000
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	8,142,000

17/03

ONTARIO REGULATION 134/03

made under the

EDUCATION ACT

Made: April 9, 2003

Filed: April 11, 2003

Amending O. Reg. 156/02

(Student Focused Funding — Legislative Grants for the
2002-2003 School Board Fiscal Year)

Note: Since the end of 2002, Ontario Regulation 156/02 has been amended by Ontario Regulations 132/03 and 133/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Paragraph 2 of subsection 2 (5) of Ontario Regulation 156/02 is revoked and the following substituted:

2. A pupil who is liable to pay fees as specified in subsection 49 (6) of the *Education Act*.

2. (1) Subparagraph 1 ii of subsection 12 (1) of the Regulation is revoked and the following substituted:

ii. 62 per cent of the total of the amounts distributed to the board in respect of the 2003 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the *Education Act*, under sections 447.20 and 447.52 of the *Municipal Act*, as made applicable by section 474 of the *Municipal Act, 2001*, under subsections 353 (4), 364 (22) and 365.2 (16) of the *Municipal Act, 2001*, under section 10 of Ontario Regulation 509/98 and under subsection 13 (2) of Ontario Regulation 3/02,

(2) Paragraph 1 of subsection 12 (1) of the Regulation is amended by adding the following subparagraph:

iii.1 62 per cent of the total of the amounts, if any, referred to in subsection 364 (22) of the *Municipal Act, 2001*, as made applicable by section 257.12.3 of the *Education Act*, that are paid to the board in respect of the 2003 calendar year,

(3) Subparagraph 1 v of subsection 12 (1) of the Regulation is amended by striking out "subsection 366 (4) of the *Municipal Act, 2001*" and substituting "subsection 366 (3) of the *Municipal Act, 2001*".

(4) Paragraph 1 of subsection 12 (1) of the Regulation is amended by adding the following subparagraphs:

v.1 62 per cent of the amounts, if any, paid to the board in respect of the 2003 calendar year by a municipality under subsection 353 (4) of the *Municipal Act, 2001*,

v.2 62 per cent of the amounts, if any, applied by the board against the cancellation price of land sold for tax arrears in the 2003 calendar year, under section 380 of the *Municipal Act, 2001*, as made applicable by subsection 371 (2) of that Act,

(5) Paragraph 7 of subsection 12 (1) of the Regulation is revoked and the following substituted:

7. Deduct 62 per cent of the total of the amounts, if any, paid by the board in respect of the 2003 calendar year under subsections 361 (7), 364 (11), 365 (3), 365.1 (13), (14), (15), (17), (18) and (19) and 365.2 (8) of the *Municipal Act, 2001*.

3. (1) Paragraph 3 of subsection 28 (9) of the Regulation is revoked and the following substituted:

3. Divide the number determined under paragraph 2 by the product of \$81,675 and 1.12.

(2) Subparagraph 6 ii of subsection 28 (9) of the Regulation is revoked and the following substituted:

- ii. Multiply the number determined under subparagraph i by the product of \$81,675 and 1.12.
- (3) Paragraph 3 of subsection 28 (11) of the Regulation is revoked and the following substituted:**
3. Divide the number determined under paragraph 2 by the product of \$89,073 and 1.12.
- (4) Subparagraph 6 ii of subsection 28 (11) of the Regulation is revoked and the following substituted:**
- ii. Multiply the number determined under subparagraph i by the product of \$89,073 and 1.12.
- 4. (1) Section 34 of the Regulation is amended by adding the following paragraph:**
- 1.1 In the case of the Algonquin and Lakeshore Catholic District School Board, add \$29,000 to the sum determined under paragraph 1.
- (2) Paragraph 5 of section 34 of the Regulation is revoked and the following substituted:**
5. Multiply the amount determined under paragraph 4 by the sum determined for the board under,
- paragraph 1.1 in the case of the Algonquin and Lakeshore Catholic District School Board, or
 - paragraph 1 in the case of any other district school board.
- 5. (1) Paragraph 18 of subsection 36 (9) of the Regulation is revoked and the following substituted:**
18. Add the amounts under paragraphs 6, 12, 13, 15 and 17.
19. Add the amount obtained under paragraph 18 to the amount for school renewal enhancement set out opposite the name of the board in Table 7.1 to obtain the amount for the board for school renewal.
- (2) Paragraph 6 of subsection 36 (10) of the Regulation is amended by adding "and" at the end of subparagraph i, by striking out "and" at the end of subparagraph ii and by striking out subparagraph iii.**
- (3) Paragraph 9 of subsection 36 (10) of the Regulation is revoked and the following substituted:**
9. Take the sum of the numbers of new elementary pupil places for capital transitional adjustment set out in Column 4 of Table 8 opposite the name of the board.
- (4) Subsection 36 (10) of the Regulation is amended by adding the following paragraphs:**
- 11.1 Take the number, if any, of the board's new pupil places in respect of elementary schools for which the cost of repair is prohibitive.
- 11.2 Multiply the number determined under paragraph 11.1 by the benchmark area requirement of 9.29 metres squared.
- 11.3 Multiply the product determined under paragraph 11.2 by the benchmark construction cost of \$118.40 per metre squared.
- (5) Paragraph 17 of subsection 36 (10) of the Regulation is amended by adding "and" at the end of subparagraph i, by striking out "and" at the end of subparagraph ii and by striking out subparagraph iii.**
- (6) Paragraph 20 of subsection 36 (10) of the Regulation is revoked and the following substituted:**
20. Take the sum of the numbers of new secondary school pupil places for capital transitional adjustment set out in Column 5 of Table 8 opposite the name of the board.
- (7) Subsection 36 (10) of the Regulation is amended by adding the following paragraphs:**
- 22.1 Take the number, if any, of the board's new pupil places in respect of secondary schools for which the cost of repair is prohibitive.
- 22.2 Multiply the number determined under paragraph 22.1 by the benchmark area requirement of 12.07 metres squared.
- 22.3 Multiply the product obtained under paragraph 22.2 by the benchmark construction cost of \$129.17 per metre squared.
- (8) Paragraph 23 of subsection 36 (10) of the Regulation is revoked and the following substituted:**
23. Add the products obtained under paragraphs 5, 8, 11, 11.3, 16, 19, 22 and 22.3.
- (9) Subparagraphs 26 i and ii of subsection 36 (10) of the Regulation are revoked and the following substituted:**
- Subtract \$20 million from the amount determined under subsection 36 (10) of Ontario Regulation 154/01, if no amount was added under paragraph 24 of subsection 36 (10) of that Regulation in respect of the board. If the difference is a negative number, it is deemed to be zero.
 - Subtract \$20 million from the amount determined under subsection 37 (10) of Ontario Regulation 170/00, if no amount was added under paragraph 12 of subsection 37 (10) of that Regulation in respect of the board. If the difference is a negative number, it is deemed to be zero.

(10) Paragraph 2 of subsection 36 (11) of the Regulation is revoked and the following substituted:

2. The 2000-2001 enrolment of the school exceeded by at least 100 the sum of,
 - i. the 2000-2001 reported capacity of the school, and
 - ii. the number of the board's new pupil places to meet elementary enrolment pressure for the school calculated under subsection 36 (12) of Ontario Regulation 154/01.

(11) Paragraph 2 of subsection 36 (13) of the Regulation is revoked and the following substituted:

2. The 2000-2001 enrolment of the school exceeded by at least 100 the sum of,
 - i. the 2000-2001 reported capacity of the school, and
 - ii. the number of the board's new pupil places to meet secondary enrolment pressure for the school calculated under subsection 36 (14) of Ontario Regulation 154/01.

(12) Paragraph 2 of subsection 36 (19) of the Regulation is amended by striking out "(35) to (42)" and substituting "(35) to (42.2)".

(13) Section 36 of the Regulation is amended by adding the following subsections:

(28.1) Subsection (29) applies in relation to an elementary school of the board if the school provides pupil accommodation for elementary school pupils during the fiscal year and is located in a municipality or former municipality set out in Column 2 of Table 8 opposite the name of the board in Column 1 of that Table and opposite a number greater than zero in Column 4 of that Table.

(28.2) Subsection (30) applies in relation to a secondary school of the board if the school provides pupil accommodation for secondary school pupils during the fiscal year and is located in a municipality or former municipality set out in Column 2 of Table 8 opposite the name of the board in Column 1 of that Table and opposite a number greater than zero in Column 5 of that Table.

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(42.1) The elementary capacity determined for the board under subsection (19) is adjusted by adding the number, if any, of new pupil places in respect of its elementary schools in which the cost of repair is prohibitive, as determined under subsection (15).

(42.2) The secondary capacity determined for the board under subsection (19) is adjusted by adding the number, if any, of new pupil places in respect of its secondary schools in which the cost of repair is prohibitive, as determined under subsection (17).

6. (1) Subsection 38 (4) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(4) The amount determined under this subsection in respect of a board is the amount by which the sum of the following amounts exceeds the amount determined by multiplying the 2002-2003 day school average daily enrolment of pupils of the board and the amount shown in Column 2 of Table 11.1 opposite the name of the board in Column 1 of Table 11.1:

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(2) Paragraph 11 of subsection 38 (4) of the Regulation is revoked.

7. (1) Subsection 41 (1) of the Regulation is revoked and the following substituted:

Required spending, special education

(1) Subject to subsection (2), a district school board shall ensure that the amount it spends in the fiscal year on special education for pupils of the board is not less than the amount by which the board's special education allocation for the fiscal year exceeds the part of the OMERS savings for the board that is attributable to special education expenditures in the fiscal year.

(2) Subparagraph 2 iv of subsection 41 (3) of the Regulation is revoked.

8. (1) Subparagraph 1 ii of subsection 45 (3) of the Regulation is revoked and the following substituted:

- ii. 62 per cent of the total of the amounts distributed to the board in respect of the 2003 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the *Education Act*, under sections 447.20 and 447.52 of the *Municipal Act*, as made applicable by section 474 of the *Municipal Act, 2001*, under subsections 353 (4), 364 (22) and 365.2 (16) of the *Municipal Act, 2001*, under section 10 of Ontario Regulation 509/98 and under subsection 13 (2) of Ontario Regulation 3/02,

(2) Paragraph 1 of subsection 45 (3) of the Regulation is amended by adding the following subparagraph:

iii.1 62 per cent of the total of the amounts, if any, referred to in subsection 364 (22) of the *Municipal Act, 2001*, as made applicable by section 257.12.3 of the *Education Act*, that are paid to the board in respect of the 2003 calendar year,

(3) Subparagraph 1 v of subsection 45 (3) of the Regulation is amended by striking out "subsection 366 (4) of the *Municipal Act, 2001*" and substituting "subsection 366 (3) of the *Municipal Act, 2001*".

(4) Paragraph 1 of subsection 45 (3) of the Regulation is amended by adding the following subparagraphs:

v.1 62 per cent of the amounts, if any, paid to the board in respect of the 2003 calendar year by a municipality under subsection 353 (4) of the *Municipal Act, 2001*,

v.2 62 per cent of the amounts, if any, applied by the board against the cancellation price of land sold for tax arrears in the 2003 calendar year, under section 380 of the *Municipal Act, 2001*, as made applicable by subsection 371 (2) of that Act,

(5) Paragraph 7 of subsection 45 (3) of the Regulation is revoked and the following substituted:

7. Deduct 62 per cent of the total of the amounts, if any, paid by the board in respect of the 2003 calendar year under subsections 361 (7), 364 (11), 365 (3), 365.1 (13), (14), (15), (17), (18) and (19) and 365.2 (8) of the *Municipal Act, 2001*.

9. The Regulation is amended by adding the following section:

Amounts payable to board, attendance at school for Indian children

51. (1) This section applies in respect of a board that has submitted to the Minister an arrangement for admission of one or more persons who are qualified to be resident pupils of the board to an elementary school for Indian children under section 185 of the Act.

(2) Subject to subsection (3), the Minister shall pay to the board, for each person to whom the arrangement applies, an amount equal to the cost per pupil of elementary instruction for the 2002-2003 fiscal period in the school to which the child is admitted under the arrangement.

(3) The amount paid by the Minister under subsection (2) shall not exceed the fee that the board would charge to elementary school pupils under section 3 of the 2002-2003 fees regulation.

10. The Regulation is amended by adding the following Table:

TABLE/TABLEAU 7.1

SCHOOL RENEWAL ENHANCEMENT AMOUNTS/
AUGMENTATION AU TITRE DE LA RÉFECTION DES ÉCOLES

Item/ Point	Name of Board/ Nom du conseil	Amount/Montant (\$)
1.	District School Board Ontario North East	148,384
2.	Algoma District School Board	305,171
3.	Rainbow District School Board	212,413
4.	Near North District School Board	206,463
5.	Keewatin-Patricia District School Board	100,000
6.	Rainy River District School Board	100,000
7.	Lakehead District School Board	212,867
8.	Superior-Greenstone District School Board	100,000
9.	Bluewater District School Board	284,872
10.	Avon Maitland District School Board	306,576
11.	Greater Essex County District School Board	442,659
12.	Lambton Kent District School Board	360,389
13.	Thames Valley District School Board	468,619
14.	Toronto District School Board	2,362,423
15.	Durham District School Board	412,517
16.	Kawartha Pine Ridge District School Board	592,716
17.	Trillium Lakelands District School Board	114,627
18.	York Region District School Board	902,478
19.	Simcoe County District School Board	438,082
20.	Upper Grand District School Board	593,654
21.	Peel District School Board	967,020
22.	Halton District School Board	566,768
23.	Hamilton-Wentworth District School Board	740,078
24.	District School Board of Niagara	805,575

Item/ Point	Name of Board/ Nom du conseil	Amount/Montant (\$)
25.	Grand Erie District School Board	713,828
26.	Waterloo Region District School Board	631,405
27.	Ottawa-Carleton District School Board	1,372,212
28.	Upper Canada District School Board	1,027,728
29.	Limestone District School Board	392,047
30.	Renfrew County District School Board	336,548
31.	Hastings and Prince Edward District School Board	373,595
32.	Northeastern Catholic District School Board	100,000
33.	Nipissing-Parry Sound Catholic District School Board	100,000
34.	Huron-Superior Catholic District School Board	100,000
35.	Sudbury Catholic District School Board	100,000
36.	Northwest Catholic District School Board	100,000
37.	Kenora Catholic District School Board	100,000
38.	Thunder Bay Catholic District School Board	100,000
39.	Superior North Catholic District School Board	100,000
40.	Bruce-Grey Catholic District School Board	100,000
41.	Huron Perth Catholic District School Board	100,000
42.	Windsor-Essex Catholic District School Board	204,472
43.	English-language Separate District School Board No. 38	313,646
44.	St. Clair Catholic District School Board	100,000
45.	Toronto Catholic District School Board	1,759,968
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	100,000
47.	York Catholic District School Board	161,350
48.	Dufferin-Peel Catholic District School Board	365,269
49.	Simcoe Muskoka Catholic District School Board	110,912
50.	Durham Catholic District School Board	129,176
51.	Halton Catholic District School Board	100,000
52.	Hamilton-Wentworth Catholic District School Board	269,144
53.	Wellington Catholic District School Board	100,000
54.	Waterloo Catholic District School Board	282,394
55.	Niagara Catholic District School Board	358,648
56.	Brant Haldimand Norfolk Catholic District School Board	100,000
57.	Catholic District School Board of Eastern Ontario	103,227
58.	Ottawa-Carleton Catholic District School Board	427,714
59.	Renfrew County Catholic District School Board	100,000
60.	Algonquin and Lakeshore Catholic District School Board	158,439
61.	Conseil scolaire de district du Nord-Est de l'Ontario	100,000
62.	Conseil scolaire de district du Grand Nord de l'Ontario	100,000
63.	Conseil scolaire de district du Centre Sud-Ouest	222,602
64.	Conseil de district des écoles publiques de langue française n° 59	112,356
65.	Conseil scolaire de district catholique des Grandes Rivières	321,152
66.	Conseil scolaire de district catholique Franco-Nord	139,101
67.	Conseil scolaire de district catholique du Nouvel-Ontario	149,093
68.	Conseil scolaire de district catholique des Aurores boréales	100,000
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	105,093
70.	Conseil scolaire de district catholique Centre-Sud	115,324
71.	Conseil scolaire de district catholique de l'Est ontarien	344,002
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	327,313

11. Table 8 of the Regulation is revoked and the following substituted:

TABLE/TABLEAU 8

CAPITAL TRANSITIONAL ADJUSTMENT/
REDRESSEMENT TEMPORAIRE DES IMMOBILISATIONS

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	Municipality or Former municipality/ Municipalité ou ancienne municipalité	As that municipality or former municipality existed on/ Telle que cette municipalité ou ancienne municipalité existait le	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
1.	Conseil scolaire de district catholique Centre-Sud	Cambridge	September 1, 2002/ 1 ^{er} septembre 2002		600
2.	Conseil scolaire de district catholique Centre-Sud	York	September 1, 2002/ 1 ^{er} septembre 2002		700
3.	Conseil scolaire de district catholique de l'Est ontarien	North Glengarry	September 1, 2002/ 1 ^{er} septembre 2002	400	500
4.	Conseil scolaire de district catholique des Aurores boréales	Thunder Bay	September 1, 2002/ 1 ^{er} septembre 2002		540
5.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Carleton Place	September 1, 2002/ 1 ^{er} septembre 2002	300	
6.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	City of/cité de Trenton	December 31, 1997/ 31 décembre 1997	300	
7.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Ottawa	September 1, 2002/ 1 ^{er} septembre 2002		600
8.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Pembroke	September 1, 2002/ 1 ^{er} septembre 2002	500	500
9.	Conseil scolaire de district catholique du Nouvel-Ontario	Blind River	September 1, 2002/ 1 ^{er} septembre 2002		500
10.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Owen Sound	September 1, 2002/ 1 ^{er} septembre 2002	300	
11.	Conseil de district des écoles publiques de langue française n° 59	City of/cité de Cumberland	December 31, 2000/ 31 décembre 2000		700
12.	Conseil de district des écoles publiques de langue française n° 59	Town of/ ville de Vankleek Hill	December 31, 1997/ 31 décembre 1997		500
13.	Conseil de district des écoles publiques de langue française n° 59	City of / cité d'Ottawa	December 31, 2000/ 31 décembre 2000		500
14.	Conseil scolaire de district du Centre Sud-Ouest	Brampton	September 1, 2002/ 1 ^{er} septembre 2002	450	
15.	Conseil scolaire de district du Centre Sud-Ouest	Peel	September 1, 2002/ 1 ^{er} septembre 2002		700
16.	Conseil scolaire de district du Centre Sud-Ouest	Windsor	September 1, 2002/ 1 ^{er} septembre 2002		300
17.	Conseil scolaire de district du Nord- Est de l'Ontario	Timmins	September 1, 2002/ 1 ^{er} septembre 2002		502

RÈGLEMENT DE L'ONTARIO 134/03

pris en application de la

LOI SUR L'ÉDUCATIONpris le 9 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 156/02

(Financement axé sur les besoins des élèves — subventions générales
pour l'exercice 2002-2003 des conseils scolaires)

Remarque : Depuis la fin de 2002, le Règlement de l'Ontario 156/02 a été modifié par les Règlements de l'Ontario 132/03 et 133/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. La disposition 2 du paragraphe 2 (5) du Règlement de l'Ontario 156/02 est abrogée et remplacée par ce qui suit :2. Les élèves qui sont tenus de verser les droits précisés au paragraphe 49 (6) de la *Loi sur l'éducation*.**2. (1) La sous-disposition 1 ii du paragraphe 12 (1) du Règlement est abrogée et remplacée par ce qui suit :**

ii. 62 pour cent du total des sommes remises au conseil à l'égard de l'année civile 2003 en application des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la *Loi sur l'éducation*, des articles 447.20 et 447.52 de la *Loi sur les municipalités*, tels qu'ils s'appliquent par l'effet de l'article 474 de la *Loi de 2001 sur les municipalités*, des paragraphes 353 (4), 364 (22) et 365.2 (16) de la *Loi de 2001 sur les municipalités*, de l'article 10 du Règlement de l'Ontario 509/98 et du paragraphe 13 (2) du Règlement de l'Ontario 3/02,

(2) La disposition 1 du paragraphe 12 (1) du Règlement est modifiée par adjonction de la sous-disposition suivante :

iii.1 62 pour cent du total des sommes éventuelles visées au paragraphe 364 (22) de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet de l'article 257.12.3 de la *Loi sur l'éducation*, qui sont versées au conseil à l'égard de l'année civile 2003,

(3) La sous-disposition 1 v du paragraphe 12 (1) du Règlement est modifiée par substitution de «paragraphe 366 (3) de la *Loi de 2001 sur les municipalités*» à «paragraphe 366 (4) de la *Loi de 2001 sur les municipalités*».**(4) La disposition 1 du paragraphe 12 (1) du Règlement est modifiée par adjonction des sous-dispositions suivantes :**

v.1 62 pour cent des sommes éventuelles qu'une municipalité verse au conseil à l'égard de l'année civile 2003 en application du paragraphe 353 (4) de la *Loi de 2001 sur les municipalités*,

v.2 62 pour cent des sommes éventuelles que le conseil affecte au paiement du coût d'annulation de biens-fonds vendus pour arriérés d'impôts pendant l'année civile 2003, en application de l'article 380 de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet du paragraphe 371 (2) de cette loi,

(5) La disposition 7 du paragraphe 12 (1) du Règlement est abrogée et remplacée par ce qui suit :

7. Déduire 62 pour cent du total des sommes éventuelles que le conseil verse à l'égard de l'année civile 2003 en application des paragraphes 361 (7), 364 (11), 365 (3), 365.1 (13), (14), (15), (17), (18) et (19) et 365.2 (8) de la *Loi de 2001 sur les municipalités*.

3. (1) La disposition 3 du paragraphe 28 (9) du Règlement est abrogée et remplacée par ce qui suit :

3. Diviser le produit obtenu en application de la disposition 2 par le produit de 81 675 \$ et de 1,12.

(2) La sous-disposition 6 ii du paragraphe 28 (9) du Règlement est abrogée et remplacée par ce qui suit :

ii. Multiplier le nombre obtenu en application de la sous-disposition i par le produit de 81 675 \$ et de 1,12.

(3) La disposition 3 du paragraphe 28 (11) du Règlement est abrogée et remplacée par ce qui suit :

3. Diviser le produit obtenu en application de la disposition 2 par le produit de 89 073 \$ et de 1,12.

(4) La sous-disposition 6 ii du paragraphe 28 (11) du Règlement est abrogée et remplacée par ce qui suit :

ii. Multiplier le nombre obtenu en application de la sous-disposition i par le produit de 89 073 \$ et de 1,12.

4. (1) L'article 34 du Règlement est modifié par adjonction de la disposition suivante :

1.1 Dans le cas du conseil appelé Algonquin and Lakeshore Catholic District School Board, ajouter 29 000 \$ à la somme calculée en application de la disposition 1.

(2) La disposition 5 de l'article 34 du Règlement est abrogée et remplacée par ce qui suit :

5. Multiplier le nombre calculé en application de la disposition 4 par la somme calculée pour le conseil en application :

- i. soit de la disposition 1.1, dans le cas du conseil appelé Algonquin and Lakeshore Catholic District School Board,
- ii. soit de la disposition 1, dans le cas de tout autre conseil scolaire de district.

5. (1) La disposition 18 du paragraphe 36 (9) du Règlement est abrogée et remplacée par ce qui suit :

18. Additionner les sommes obtenues en application des dispositions 6, 12, 13, 15 et 17.

19. Ajouter la somme obtenue en application de la disposition 18 à l'augmentation au titre de la réfection des écoles indiquée en regard du nom du conseil dans le tableau 7.1 pour obtenir la somme liée à la réfection des écoles pour le conseil.

(2) La disposition 6 du paragraphe 36 (10) du Règlement est modifiée par suppression de la sous-disposition iii.

(3) La disposition 9 du paragraphe 36 (10) du Règlement est abrogée et remplacée par ce qui suit :

9. Prendre la somme des nombres de nouvelles places requises à l'élémentaire aux fins du redressement temporaire des immobilisations indiqués à la colonne 4 du tableau 8 en regard du nom du conseil.

(4) Le paragraphe 36 (10) du Règlement est modifié par adjonction des dispositions suivantes :

11.1 Prendre le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard des écoles élémentaires dont le coût des réparations est prohibitif.

11.2 Multiplier le nombre obtenu en application de la disposition 11.1 par la superficie repère requise de 9,29 mètres carrés.

11.3 Multiplier le produit obtenu en application de la disposition 11.2 par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.

(5) La disposition 17 du paragraphe 36 (10) du Règlement est modifiée par suppression de la sous-disposition iii.

(6) La disposition 20 du paragraphe 36 (10) du Règlement est abrogée et remplacée par ce qui suit :

20. Prendre la somme des nombres de nouvelles places requises au secondaire aux fins du redressement temporaire des immobilisations indiqués à la colonne 5 du tableau 8 en regard du nom du conseil.

(7) Le paragraphe 36 (10) du Règlement est modifié par adjonction des dispositions suivantes :

22.1 Prendre le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard des écoles secondaires dont le coût des réparations est prohibitif.

22.2 Multiplier le nombre obtenu en application de la disposition 22.1 par la superficie repère requise de 12,07 mètres carrés.

22.3 Multiplier le produit obtenu en application de la disposition 22.2 par le coût repère de construction de nouvelles écoles de 129,17 \$ le mètre carré.

(8) La disposition 23 du paragraphe 36 (10) du Règlement est abrogée et remplacée par ce qui suit :

23. Additionner les produits obtenus en application des dispositions 5, 8, 11, 11.3, 16, 19, 22 et 22.3.

(9) Les sous-dispositions 26 i et ii du paragraphe 36 (10) du Règlement sont abrogées et remplacées par ce qui suit :

i. Soustraire 20 millions de dollars de la somme calculée en application du paragraphe 36 (10) du Règlement de l'Ontario 154/01 si aucune somme n'a été ajoutée en application de la disposition 24 de ce paragraphe à l'égard du conseil. Une différence négative est réputée nulle.

ii. Soustraire 20 millions de dollars de la somme calculée en application du paragraphe 37 (10) du Règlement de l'Ontario 170/00 si aucune somme n'a été ajoutée en application de la disposition 12 de ce paragraphe à l'égard du conseil. Une différence négative est réputée nulle.

(10) La disposition 2 du paragraphe 36 (11) du Règlement est abrogée et remplacée par ce qui suit :

2. L'effectif de 2000-2001 de l'école a dépassé d'au moins 100 le total de ce qui suit :

i. la capacité d'accueil déclarée pour 2000-2001 de l'école,

ii. le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif à l'élémentaire pour l'école, calculé en application du paragraphe 36 (12) du Règlement de l'Ontario 154/01.

(11) La disposition 2 du paragraphe 36 (13) du Règlement est abrogée et remplacée par ce qui suit :

2. L'effectif de 2000-2001 de l'école a dépassé d'au moins 100 le total de ce qui suit :

- i. la capacité d'accueil déclarée pour 2000-2001 de l'école,
- ii. le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif au secondaire pour l'école, calculé en application du paragraphe 36 (14) du Règlement de l'Ontario 154/01.

(12) La disposition 2 du paragraphe 36 (19) du Règlement est modifiée par substitution de «(35) à (42.2)» à «(35) à (42)».

(13) L'article 36 du Règlement est modifié par adjonction des paragraphes suivants :

(28.1) Le paragraphe (29) s'applique à l'égard d'une école élémentaire du conseil si l'école fournit des installations d'accueil pour élèves de l'élémentaire au cours de l'exercice et qu'elle est située dans une municipalité ou ancienne municipalité indiquée à la colonne 2 du tableau 8 en regard du nom du conseil à la colonne 1 de ce tableau, et en regard d'un nombre supérieur à zéro à la colonne 4 du même tableau.

(28.2) Le paragraphe (30) s'applique à l'égard d'une école secondaire du conseil si l'école fournit des installations d'accueil pour élèves du secondaire au cours de l'exercice et qu'elle est située dans une municipalité ou ancienne municipalité indiquée à la colonne 2 du tableau 8 en regard du nom du conseil à la colonne 1 de ce tableau, et en regard d'un nombre supérieur à zéro à la colonne 5 du même tableau.

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(42.1) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée en ajoutant le nombre éventuel de nouvelles places dont le conseil a besoin, d'après les calculs effectués en application du paragraphe (15), à l'égard de ses écoles élémentaires dont le coût des réparations est prohibitif.

(42.2) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée en ajoutant le nombre éventuel de nouvelles places dont le conseil a besoin, d'après les calculs effectués en application du paragraphe (17), à l'égard de ses écoles secondaires dont le coût des réparations est prohibitif.

6. (1) Le paragraphe 38 (4) du Règlement est modifié par substitution de ce qui suit au passage qui précède la disposition 1 :

(4) La somme calculée pour un conseil en application du présent paragraphe correspond à l'excédent du total des sommes suivantes sur le produit obtenu en multipliant l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003 par la somme précisée dans la colonne 2 du tableau 11.1 en regard du nom du conseil mentionné à la colonne 1 du même tableau.

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(2) La disposition 11 du paragraphe 38 (4) du Règlement est abrogée.

7. (1) Le paragraphe 41 (1) du Règlement est abrogé et remplacé par ce qui suit :

Dépenses obligatoires, éducation de l'enfance en difficulté

(1) Sous réserve du paragraphe (2), le conseil scolaire de district fait en sorte que la somme qu'il affecte pendant l'exercice à des mesures d'éducation de l'enfance en difficulté pour ses élèves ne soit pas inférieure à l'excédent de la somme liée à l'élément éducation de l'enfance en difficulté du conseil pour l'exercice sur la part des économies liées au R.R.E.M.O. pour le conseil qui est imputable à la dépense qu'il affecte à des mesures d'éducation de l'enfance en difficulté pendant l'exercice.

(2) La sous-disposition 2 iv du paragraphe 41 (3) du Règlement est abrogée.

8. (1) La sous-disposition 1 ii du paragraphe 45 (3) du Règlement est abrogée et remplacée par ce qui suit :

- ii. 62 pour cent du total des sommes remises au conseil à l'égard de l'année civile 2003 en application des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la *Loi sur l'éducation*, des articles 447.20 et 447.52 de la *Loi sur les municipalités*, tels qu'ils s'appliquent par l'effet de l'article 474 de la *Loi de 2001 sur les municipalités*, des paragraphes 353 (4), 364 (22) et 365.2 (16) de la *Loi de 2001 sur les municipalités*, de l'article 10 du Règlement de l'Ontario 509/98 et du paragraphe 13 (2) du Règlement de l'Ontario 3/02,

(2) La disposition 1 du paragraphe 45 (3) du Règlement est modifiée par adjonction de la sous-disposition suivante :

- iii.1 62 pour cent du total des sommes éventuelles visées au paragraphe 364 (22) de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet de l'article 257.12.3 de la *Loi sur l'éducation*, qui sont versées au conseil à l'égard de l'année civile 2003,

(3) La sous-disposition 1 v du paragraphe 45 (3) du Règlement est modifiée par substitution de «paragraphe 366 (3) de la *Loi de 2001 sur les municipalités*» à «paragraphe 366 (4) de la *Loi de 2001 sur les municipalités*».

(4) La disposition 1 du paragraphe 45 (3) du Règlement est modifiée par adjonction des sous-dispositions suivantes :

v.1 62 pour cent des sommes éventuelles qu'une municipalité verse au conseil à l'égard de l'année civile 2003 en application du paragraphe 353 (4) de la *Loi de 2001 sur les municipalités*,

v.2 62 pour cent des sommes éventuelles que le conseil affecte au paiement du coût d'annulation de biens-fonds vendus pour arriérés d'impôts pendant l'année civile 2003, en application de l'article 380 de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet du paragraphe 371 (2) de cette loi,

(5) La disposition 7 du paragraphe 45 (3) du Règlement est abrogée et remplacée par ce qui suit :

7. Déduire 62 pour cent du total des sommes éventuelles que le conseil verse à l'égard de l'année civile 2003 en application des paragraphes 361 (7), 364 (11), 365 (3), 365.1 (13), (14), (15), (17), (18) et (19) et 365.2 (8) de la *Loi de 2001 sur les municipalités*.

9. Le Règlement est modifié par adjonction de l'article suivant :

Sommes payables au conseil : fréquentation de l'école par les enfants indiens

51. (1) Le présent article s'applique à l'égard du conseil qui a présenté au ministre, en application de l'article 185 de la Loi, des dispositions en vue de l'admission, à une école élémentaire pour enfants indiens, d'une ou de plusieurs personnes qui remplissent les conditions d'élèves résidents du conseil.

(2) Sous réserve du paragraphe (3), le ministre verse au conseil, pour chaque personne à laquelle s'appliquent les dispositions, une somme égale à ce qu'il en coûte par élève de l'élémentaire pour l'exercice 2002-2003 à l'école où l'enfant est admis aux termes des dispositions.

(3) La somme que verse le ministre en application du paragraphe (2) ne doit pas dépasser le montant des droits que le conseil imposerait aux élèves de l'élémentaire en application de l'article 3 du règlement sur les droits de 2002-2003.

10. Le Règlement est modifié par adjonction du tableau suivant :

TABLE/TABLEAU 7.1

SCHOOL RENEWAL ADJUSTMENT AMOUNTS/
AUGMENTATION AU TITRE DE LA RÉFECTION DES ÉCOLES

Item/ Point	Name of Board/ Nom du conseil	Amount/Montant (\$)
1.	District School Board Ontario North East	148,384
2.	Algoma District School Board	305,171
3.	Rainbow District School Board	212,413
4.	Near North District School Board	206,463
5.	Keewatin-Patricia District School Board	100,000
6.	Rainy River District School Board	100,000
7.	Lakehead District School Board	212,867
8.	Superior-Greenstone District School Board	100,000
9.	Bluewater District School Board	284,872
10.	Avon Maitland District School Board	306,576
11.	Greater Essex County District School Board	442,659
12.	Lambton Kent District School Board	360,389
13.	Thames Valley District School Board	468,619
14.	Toronto District School Board	2,362,423
15.	Durham District School Board	412,517
16.	Kawartha Pine Ridge District School Board	592,716
17.	Trillium Lakelands District School Board	114,627
18.	York Region District School Board	902,478
19.	Simcoe County District School Board	438,082
20.	Upper Grand District School Board	593,654
21.	Peel District School Board	967,020
22.	Halton District School Board	566,768
23.	Hamilton-Wentworth District School Board	740,078
24.	District School Board of Niagara	805,575
25.	Grand Erie District School Board	713,828
26.	Waterloo Region District School Board	631,405
27.	Ottawa-Carleton District School Board	1,372,212
28.	Upper Canada District School Board	1,027,728
29.	Limestone District School Board	392,047

Item/ Point	Name of Board/ Nom du conseil	Amount/Montant (\$)
30.	Renfrew County District School Board	336,548
31.	Hastings and Prince Edward District School Board	373,595
32.	Northeastern Catholic District School Board	100,000
33.	Nipissing-Parry Sound Catholic District School Board	100,000
34.	Huron-Superior Catholic District School Board	100,000
35.	Sudbury Catholic District School Board	100,000
36.	Northwest Catholic District School Board	100,000
37.	Kenora Catholic District School Board	100,000
38.	Thunder Bay Catholic District School Board	100,000
39.	Superior North Catholic District School Board	100,000
40.	Bruce-Grey Catholic District School Board	100,000
41.	Huron Perth Catholic District School Board	100,000
42.	Windsor-Essex Catholic District School Board	204,472
43.	English-language Separate District School Board No. 38	313,646
44.	St. Clair Catholic District School Board	100,000
45.	Toronto Catholic District School Board	1,759,968
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	100,000
47.	York Catholic District School Board	161,350
48.	Dufferin-Peel Catholic District School Board	365,269
49.	Simcoe Muskoka Catholic District School Board	110,912
50.	Durham Catholic District School Board	129,176
51.	Halton Catholic District School Board	100,000
52.	Hamilton-Wentworth Catholic District School Board	269,144
53.	Wellington Catholic District School Board	100,000
54.	Waterloo Catholic District School Board	282,394
55.	Niagara Catholic District School Board	358,648
56.	Brant Haldimand Norfolk Catholic District School Board	100,000
57.	Catholic District School Board of Eastern Ontario	103,227
58.	Ottawa-Carleton Catholic District School Board	427,714
59.	Renfrew County Catholic District School Board	100,000
60.	Algonquin and Lakeshore Catholic District School Board	158,439
61.	Conseil scolaire de district du Nord-Est de l'Ontario	100,000
62.	Conseil scolaire de district du Grand Nord de l'Ontario	100,000
63.	Conseil scolaire de district du Centre Sud-Ouest	222,602
64.	Conseil de district des écoles publiques de langue française n° 59	112,356
65.	Conseil scolaire de district catholique des Grandes Rivières	321,152
66.	Conseil scolaire de district catholique Franco-Nord	139,101
67.	Conseil scolaire de district catholique du Nouvel-Ontario	149,093
68.	Conseil scolaire de district catholique des Aurores boréales	100,000
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	105,093
70.	Conseil scolaire de district catholique Centre-Sud	115,324
71.	Conseil scolaire de district catholique de l'Est ontarien	344,002
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	327,313

11. Le tableau 8 du Règlement est abrogé et remplacé par ce qui suit :

TABLE/TABLEAU 8

CAPITAL TRANSITIONAL ADJUSTMENT/
REDRESSEMENT TEMPORAIRE DES IMMOBILISATIONS

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	Municipality or Former municipality/ Municipalité ou ancienne municipalité	As that municipality or former municipality existed on/ Telle que cette municipalité ou ancienne municipalité existait le	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
1.	Conseil scolaire de district catholique Centre-Sud	Cambridge	September 1, 2002/ 1 ^{er} septembre 2002		600
2.	Conseil scolaire de district catholique Centre-Sud	York	September 1, 2002/ 1 ^{er} septembre 2002		700
3.	Conseil scolaire de district catholique de l'Est ontarien	North Glengarry	September 1, 2002/ 1 ^{er} septembre 2002	400	500
4.	Conseil scolaire de district catholique des Aurores boréales	Thunder Bay	September 1, 2002/ 1 ^{er} septembre 2002		540
5.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Carleton Place	September 1, 2002/ 1 ^{er} septembre 2002	300	
6.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	City of/cité de Trenton	December 31, 1997/ 31 décembre 1997	300	
7.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Ottawa	September 1, 2002/ 1 ^{er} septembre 2002		600
8.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Pembroke	September 1, 2002/ 1 ^{er} septembre 2002	500	500
9.	Conseil scolaire de district catholique du Nouvel-Ontario	Blind River	September 1, 2002/ 1 ^{er} septembre 2002		500
10.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Owen Sound	September 1, 2002/ 1 ^{er} septembre 2002	300	
11.	Conseil de district des écoles publiques de langue française n° 59	City of /cité de Cumberland	December 31, 2000/ 31 décembre 2000		700
12.	Conseil de district des écoles publiques de langue française n° 59	Town of/ ville de Vankleek Hill	December 31, 1997/ 31 décembre 1997		500
13.	Conseil de district des écoles publiques de langue française n° 59	City of / cité d'Ottawa	December 31, 2000/ 31 décembre 2000		500
14.	Conseil scolaire de district du Centre Sud-Ouest	Brampton	September 1, 2002/ 1 ^{er} septembre 2002	450	
15.	Conseil scolaire de district du Centre Sud-Ouest	Peel	September 1, 2002/ 1 ^{er} septembre 2002		700
16.	Conseil scolaire de district du Centre Sud-Ouest	Windsor	September 1, 2002/ 1 ^{er} septembre 2002		300
17.	Conseil scolaire de district du Nord- Est de l'Ontario	Timmins	September 1, 2002/ 1 ^{er} septembre 2002		502

ONTARIO REGULATION 135/03

made under the

EDUCATION ACT

Made: April 9, 2003

Filed: April 11, 2003

Amending O. Reg. 157/02

(Calculation of Average Daily Enrolment for the 2002-2003 School Board Fiscal Year)

Note: Ontario Regulation 157/02 has previously been amended by Ontario Regulation 67/03.

1. Paragraph 6 of subsection 3 (2) of Ontario Regulation 157/02 is revoked and the following substituted:

6. The class or course is a non-credit class or course in literacy and numeracy for pupils in grade 9 or a higher grade for whom a grade 9 or 10 remedial program in literacy and numeracy has been recommended by the principal of the day school in which the pupil is enrolled and the class or course is not provided as part of a day school program.

RÈGLEMENT DE L'ONTARIO 135/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 9 avril 2003

déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 157/02

(Calcul de l'effectif quotidien moyen pour l'exercice 2002-2003 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 157/02 a été modifié antérieurement par le Règlement de l'Ontario 67/03.

1. La disposition 6 du paragraphe 3 (2) du Règlement de l'Ontario 157/02 est abrogée et remplacée par ce qui suit :

6. Il s'agit d'une classe ou d'un cours ne donnant pas droit à un crédit qui est destiné à accroître l'aptitude à lire, à écrire et à compter des élèves de neuvième année ou d'une année subséquente auxquels le directeur de l'école où l'élève est inscrit à des cours de jour a recommandé un programme de rattrapage de neuvième ou de dixième année destiné à accroître leur aptitude à lire, à écrire et à compter et la classe ou le cours ne fait pas partie d'un programme scolaire de jour.

17/03

ONTARIO REGULATION 136/03

made under the

EDUCATION ACT

Made: April 2, 2003

Approved: April 9, 2003

Filed: April 11, 2003

Amending O. Reg. 158/02

(Calculation of Fees for Pupils for the 2002-2003 School Board Fiscal Year)

Note: Ontario Regulation 158/02 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.**1. (1) Subsection 3 (3) of Ontario Regulation 158/02 is amended by adding the following paragraph:**

- 12.1 Determine an amount on account of the board's adjustment for declining enrolment in respect of elementary school pupils by,

- i. dividing the amount of the board's adjustment for declining enrolment, if any, as determined under section 38 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board, and
- ii. multiplying the amount determined under subparagraph i by the day school A.D.E. for the board, counting only elementary school pupils of the board.

(2) Paragraph 13 of subsection 3 (3) of the Regulation is amended by striking out "paragraphs 1 to 12" and substituting "paragraphs 1 to 12.1".

(3) Subsection 3 (4) of the Regulation is amended by adding the following paragraph:

11.1 Determine an amount on account of the board's adjustment for declining enrolment in respect of secondary school pupils by,

- i. dividing the amount of the board's adjustment for declining enrolment, if any, as determined under section 38 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board, and
- ii. multiplying the amount determined under subparagraph i by the day school A.D.E. for the board, counting only secondary school pupils of the board.

(4) Paragraph 12 of subsection 3 (4) of the Regulation is amended by striking out "paragraphs 1 to 11" and substituting "paragraphs 1 to 11.1".

2. Paragraph 5 of subsection 6 (1) of the Regulation is amended by striking out "paragraph 3" and substituting "paragraph 4".

3. Subsection 7 (2) of the Regulation is revoked and the following substituted:

(2) A board's fee policy must not authorize a fee in respect of an elementary school pupil that is less than the amount that would be calculated under subsection 3 (1) in respect of an elementary school pupil, if that subsection had applied to the pupil and subsection 49 (6) of the Act had not applied to the pupil.

(3) A board's fee policy must not authorize a fee in respect of a secondary school pupil that is less than the amount that would be calculated under subsection 3 (1) in respect of a secondary school pupil, if that subsection had applied to the pupil and subsection 49 (6) of the Act had not applied to the pupil.

4. Section 8 of the Regulation is amended by adding the following subsections:

(1.1) The fee referred to in subsection (1) in respect of a pupil enrolled in a continuing education class or course of the board shall not be less than the fee determined by applying paragraphs 1 to 3 of subsection (2).

(1.2) The fee referred to in subsection (1) in respect of a pupil enrolled in a summer school program of the board shall not be less than the fee determined by applying paragraphs 1 to 3 of subsection (3).

ELIZABETH WITMER
Minister of Education

Dated on April 2, 2003.

RÈGLEMENT DE L'ONTARIO 136/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 2 avril 2003
approuvé le 9 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 158/02

(Calcul des droits exigibles à l'égard des élèves pour l'exercice 2002-2003 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 158/02 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Le paragraphe 3 (3) du Règlement de l'Ontario 158/02 est modifié par adjonction de la disposition suivante :

12.1 Calculer la part de la somme liée au redressement pour baisse des effectifs du conseil qui vise les élèves de l'élémentaire, de la manière suivante :

- i. Diviser la somme liée au redressement pour baisse des effectifs du conseil, le cas échéant, calculée en application de l'article 38 du règlement sur les subventions, par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
- ii. Multiplier la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.

(2) La disposition 13 du paragraphe 3 (3) du Règlement est modifiée par substitution de «dispositions 1 à 12.1» à «dispositions 1 à 12».

(3) Le paragraphe 3 (4) du Règlement est modifié par adjonction de la disposition suivante :

11.1 Calculer la part de la somme liée au redressement pour baisse des effectifs du conseil qui vise les élèves du secondaire, de la manière suivante :

- i. Diviser la somme liée au redressement pour baisse des effectifs du conseil, le cas échéant, calculée en application de l'article 38 du règlement sur les subventions, par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
- ii. Multiplier la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.

(4) La disposition 12 du paragraphe 3 (4) du Règlement est modifiée par substitution de «dispositions 1 à 11.1» à «dispositions 1 à 11».

2. La disposition 5 du paragraphe 6 (1) du Règlement est modifiée par substitution de «disposition 4» à «disposition 3».

3. Le paragraphe 7 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) La politique du conseil relative aux droits ne doit pas autoriser l'imposition, à l'égard d'un élève de l'élémentaire, de droits qui sont inférieurs à la somme qui serait calculée conformément au paragraphe 3 (1) à l'égard d'un tel élève, si ce paragraphe s'était appliqué à l'élève et que le paragraphe 49 (6) de la Loi ne s'était pas appliqué à lui.

(3) La politique du conseil relative aux droits ne doit pas autoriser l'imposition, à l'égard d'un élève du secondaire, de droits qui sont inférieurs à la somme qui serait calculée conformément au paragraphe 3 (1) à l'égard d'un tel élève, si ce paragraphe s'était appliqué à l'élève et que le paragraphe 49 (6) de la Loi ne s'était pas appliqué à lui.

4. L'article 8 du Règlement est modifié par adjonction des paragraphes suivants :

(1.1) Les droits visés au paragraphe (1) exigibles à l'égard d'un élève qui est inscrit à une classe ou un cours d'éducation permanente offert par le conseil ne doivent pas être inférieurs aux droits calculés en appliquant les dispositions 1 à 3 du paragraphe (2).

(1.2) Les droits visés au paragraphe (1) exigibles à l'égard d'un élève qui est inscrit à un cours d'été offert par le conseil ne doivent pas être inférieurs aux droits calculés en appliquant les dispositions 1 à 3 du paragraphe (3).

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 2 avril 2003.

17/03

ONTARIO REGULATION 137/03

made under the

EDUCATION ACT

Made: April 9, 2003

Filed: April 11, 2003

CALCULATION OF AVERAGE DAILY ENROLMENT FOR THE 2003-2004 SCHOOL BOARD FISCAL YEAR

Interpretation

1. (1) In this Regulation,

2003-2004 fiscal year means the period beginning September 1, 2003 and ending August 31, 2004; ("exercice 2003-2004")

"combined kindergarten program" means a program operated on a five-day cycle that consists of 600 minutes of junior kindergarten for those pupils who are enrolled in the junior kindergarten part of the program and 900 minutes of kindergarten for those pupils who are enrolled in the kindergarten part of the program; ("programme combiné de maternelle et de jardin d'enfants")

"cycle" means the number of school days for which a schedule of classes in a school continues before the schedule is repeated; ("horaire")

"day school" and "day school program" do not include continuing education or summer school classes or courses; ("cours de jour", "programme scolaire de jour")

"full-time pupil" means a pupil who,

- (a) is enrolled in day school other than in junior kindergarten, kindergarten or a combined kindergarten program, and
- (b) in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day; ("élève à temps plein")

"half-time pupil" means a pupil who is enrolled in junior kindergarten or kindergarten, is not enrolled in a combined kindergarten program, and, in respect of a cycle, is registered for classroom instruction for an average of at least 150 minutes per school day; ("élève à mi-temps")

"independent study course" means a credit course that is provided to a pupil other than a full-time pupil and that,

- (a) meets the criteria set out in the independent study course register for inclusion in the determination of day school enrolment, or
- (b) is approved by the Minister as an independent study course to be included in the determination of day school enrolment; ("cours d'études personnelles")

"part-time pupil" means a pupil who is enrolled in day school and is neither a full-time nor a half-time pupil. ("élève à temps partiel")

- (2) This Regulation applies to boards for the 2003-2004 fiscal year.

Day school A.D.E.

- 2. Day school average daily enrolment for a board for the fiscal year is the sum of,

- (a) the product of 0.5 and the sum of,
 - (i) the number of full-time pupils enrolled on October 31, 2003 in schools operated by the board,
 - (ii) 0.5 times the number of half-time pupils enrolled on that day in schools operated by the board, and
 - (iii) the quotient obtained by determining, for each part-time pupil enrolled on that day in a school operated by the board, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day, in a course other than an independent study course, and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle;
- (b) the product of 0.5 and the sum of,
 - (i) the number of full-time pupils enrolled on March 31, 2004 in schools operated by the board,
 - (ii) 0.5 times the number of half-time pupils enrolled on that day in schools operated by the board, and
 - (iii) the quotient obtained by determining, for each part-time pupil enrolled on that day in a school operated by the board, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day, in a course other than an independent study course, and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle; and
- (c) an amount in respect of each pupil enrolled in a school of the board who is registered for an independent study course, calculated as follows:

$$\frac{A \times B}{7.5}$$

in which,

"A" is the number of credits and partial credits that may be earned by the pupil on successful completion of the course,

"B" is the fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the fiscal year.

Continuing education A.D.E.

3. (1) Continuing education average daily enrolment for a board for the fiscal year is the sum of,

- (a) an amount in respect of each pupil who is enrolled in a continuing education class or course established by the board, other than a continuing education course delivered primarily through means other than classroom instruction, calculated as follows:

$$\frac{C \times D}{300 \times 190}$$

in which,

“C” is the number of sessions for which the pupil is enrolled in the fiscal year, and

“D” is the number of minutes in each session; and

- (b) an amount in respect of each pupil who is enrolled in a continuing education course established by the board and delivered primarily through means other than classroom instruction calculated as follows:

$$E \times 0.1158 \times F$$

in which,

“E” is the number of credits and partial credits that may be earned by the pupil on successful completion of the course, and

“F” is the fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the fiscal year.

(2) A class or course is a continuing education class or course for the purposes of subsection (1) if it is not a summer school class or course as defined in subsection 4 (1), it is approved by the Minister and it satisfies the conditions in one of the following paragraphs:

1. The class or course,
 - i. is established for adults for which one or more credits, a partial credit referred to in the Ministry publication entitled “Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999” or a partial credit approved by the Minister may be granted, and
 - ii. is in the intermediate division if it is offered by a school authority that is only authorized to provide elementary education.
2. The class or course is in citizenship and, if necessary, in French or English language instruction and is for persons admitted to Canada as permanent residents under the *Immigration and Refugee Protection Act* (Canada).
3. The class or course is in English or French for adults whose first language learned and still understood is neither English nor French, but it is not a class or course in which a pupil may earn a credit in English or French as a second language.
4. The class or course is in Native language instruction for adults.
5. The class or course is in literacy and numeracy for pupils in grade 7 or 8 for whom a remedial program in literacy and numeracy has been recommended by the principal of the day school in which the pupil is enrolled and the class or course is not provided as part of a day school program.
6. The class or course is a non-credit class or course in literacy and numeracy for pupils in grade 9 or a higher grade for whom a grade 9 or 10 remedial program in literacy and numeracy has been recommended by the principal of the day school in which the pupil is enrolled and the class or course is not provided as part of a day school program.
7. The class or course is in literacy and numeracy and is established for adults who are parents or guardians of pupils enrolled in a day school program for whom a remedial program in literacy and numeracy has been recommended by the principal of the day school in which the pupils are enrolled.
8. The class or course is for secondary school pupils who elected to take a transfer credit course to transfer between course types in accordance with section 5.6 of the Ministry publication entitled “Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999”.
9. The class or course is for pupils who are enrolled in grade 9 in the school year and the principal, headmaster, headmistress or other person in charge of the school in which the pupil is enrolled strongly encourages the pupil to successfully complete additional course work of up to 30 hours before switching from one course type in grade 9 to another course type in grade 10 in the same subject, in accordance with section 5.6 of the Ministry publication entitled “Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999”.

(3) Any pupils who are in a class or course offered for credit and who are not adults must be included in calculating the continuing education average daily enrolment for a board under subsection (1) for a class or course established for adults that is referred to in subsection (2).

(4) The following rules apply in calculating the continuing education average daily enrolment for a board under subsection (1) for a class or course referred to in subsection (5),

1. If the number of pupils in the class or course is 10 or more and less than 15, that number is increased to 15.
2. If the number of pupils in the class or course is less than 10, that number is increased by five.

(5) Subsection (4) applies with respect to a class or course,

(a) referred to in paragraph 2, 3 or 4 of subsection (2); and

(b) referred to in paragraph 1 of subsection (2), other than a course delivered primarily through means other than classroom instruction, if the class or course is offered in a secondary school,

(i) that has an enrolment of fewer than 120 pupils per grade, and

(ii) that is located in a territorial district and is more than 80 kilometres from all other secondary schools in the Province that have the same language of instruction.

Summer school A.D.E.

4. (1) In this section,

“summer school class or course” means a class or course,

(a) that is provided by a board between the hours of 8 a.m. and 5 p.m.,

(b) that starts after the completion of the 2003-2004 school year and ends before the start of the 2004-2005 school year, and

(c) that is a class or course,

(i) for developmentally delayed pupils,

(ii) in which a pupil may earn a credit,

(iii) for pupils who have completed grade 7 or a higher grade and for whom a grade 7 or 8 remedial program in literacy and numeracy has been recommended by the principal, headmaster, headmistress or other person in charge of the school at which the pupil completed grade 7 or 8,

(iv) for pupils who were enrolled in grade 9 or a higher grade and for whom a non-credit grade 9 or 10 remedial program in literacy and numeracy has been recommended by the principal, headmaster, headmistress or other person in charge of the school at which the pupil was enrolled,

(v) for pupils who were enrolled in grade 10 or 11 and who elected to take a transfer credit course to transfer between course types in accordance with section 5.6 of the Ministry publication entitled “Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999”, or

(vi) for pupils who are enrolled in grade 9 in the 2003-2004 school year and the principal, headmaster, headmistress or other person in charge of the school in which the pupil is enrolled strongly encourages the pupil to successfully complete additional non-credit crossover course work of up to 30 hours when the pupil plans to switch from one course type in grade 9 to the other in grade 10 in the same subject, in accordance with section 5.6 of the Ministry publication entitled “Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999”.

(2) Only the following pupils are counted for the purposes of this section:

1. Pupils who were enrolled in a day school program offered by a board.

2. Pupils who were enrolled in any of grades 1 to 12 or OAC in a private school that was in compliance with subsection 16 (1) of the Act when the pupil was last enrolled in the school.

(3) Summer school average daily enrolment for a board for the fiscal year is the sum of the amounts in respect of each pupil enrolled in a summer school class or course that is provided by the board, other than a course delivered primarily through means other than classroom instruction, calculated as follows:

$$\frac{G \times H}{300 \times 190}$$

in which,

“G” is the number of sessions of the summer school class or course in which the pupil is enrolled in the fiscal year, and

“H” is the number of minutes in each session.

RÈGLEMENT DE L'ONTARIO 137/03

pris en application de la

LOI SUR L'ÉDUCATIONpris le 9 avril 2003
déposé le 11 avril 2003**CALCUL DE L'EFFECTIF QUOTIDIEN MOYEN
POUR L'EXERCICE 2003-2004 DES CONSEILS SCOLAIRES****Interprétation**

1. (1) Les définitions qui suivent s'appliquent au présent règlement.

«cours de jour» et «programme scolaire de jour» Sont exclus les classes ou les cours d'éducation permanente et les classes ou les cours d'été. («day school», «day school program»)

«cours d'études personnelles» Cours crédité qui est dispensé à un élève, à l'exclusion d'un élève à temps plein, et qui, selon le cas :

- a) satisfait aux critères énoncés dans le registre des cours d'études personnelles pour être inclus dans le calcul de l'effectif de jour;
- b) est approuvé par le ministre à titre de cours d'études personnelles à inclure dans le calcul de l'effectif de jour. («independent study course»)

«élève à mi-temps» Élève qui est inscrit à la maternelle ou au jardin d'enfants, mais non à un programme combiné de maternelle et de jardin d'enfants, pour une moyenne d'au moins 150 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire. («half-time pupil»)

«élève à temps partiel» Élève qui est inscrit aux cours de jour et qui n'est ni un élève à temps plein ni un élève à mi-temps. («part-time pupil»)

«élève à temps plein» Élève qui :

- a) d'une part, est inscrit aux cours de jour, à l'exclusion de la maternelle, du jardin d'enfants ou d'un programme combiné de maternelle et de jardin d'enfants;
- b) d'autre part, est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire. («full-time pupil»)

«exercice 2003-2004» La période qui commence le 1^{er} septembre 2003 et qui se termine le 31 août 2004. («2003-2004 fiscal year»)

«horaire» Le nombre de jours que couvre le calendrier des classes d'une école avant de recommencer. («cycle»)

«programme combiné de maternelle et de jardin d'enfants» Programme qui fonctionne selon un horaire de cinq jours et qui consiste en 600 minutes de maternelle pour les élèves qui sont inscrits au volet maternelle du programme et en 900 minutes de jardin d'enfants pour ceux inscrits au volet jardin d'enfants. («combined kindergarten program»)

(2) Le présent règlement s'applique aux conseils pour l'exercice 2003-2004.

Effectif quotidien moyen de jour

2. L'effectif quotidien moyen de jour d'un conseil pour l'exercice correspond à la somme de ce qui suit :

a) le produit de 0,5 par la somme de ce qui suit :

- (i) le nombre d'élèves à temps plein inscrits le 31 octobre 2003 aux écoles qui relèvent du conseil,
- (ii) 0,5 fois le nombre d'élèves à mi-temps inscrits ce jour-là aux écoles qui relèvent du conseil,
- (iii) le quotient obtenu en calculant, pour chaque élève à temps partiel inscrit ce jour-là à une école qui relève du conseil, le nombre de minutes pour lesquelles il est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut ce jour-là, à un cours autre qu'un cours d'études personnelles, et en divisant la somme des nombres ainsi obtenus par le produit de 300 et du nombre de jours que compte l'horaire;

b) le produit de 0,5 par la somme de ce qui suit :

- (i) le nombre d'élèves à temps plein inscrits le 31 mars 2004 aux écoles qui relèvent du conseil,
- (ii) 0,5 fois le nombre d'élèves à mi-temps inscrits ce jour-là aux écoles qui relèvent du conseil,

- (iii) le quotient obtenu en calculant, pour chaque élève à temps partiel inscrit ce jour-là à une école qui relève du conseil, le nombre de minutes pour lesquelles cet élève est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut ce jour-là, à un cours autre qu'un cours d'études personnelles, et en divisant la somme des nombres ainsi obtenus par le produit de 300 et du nombre de jours que compte l'horaire;
- c) une valeur relative à chaque élève inscrit à une école du conseil, à un cours d'études personnelles, calculée selon la formule suivante :

$$\frac{A \times B}{7,5}$$

où :

- «A» correspond au nombre de crédits et de fractions de crédits que peut obtenir l'élève qui termine le cours avec succès,
- «B» correspond à la fraction représentant la tranche de la quantité totale de travail exigée pour terminer le cours que l'élève a terminée au cours de l'exercice.

Effectif quotidien moyen de l'éducation permanente

3. (1) L'effectif quotidien moyen de l'éducation permanente d'un conseil pour l'exercice correspond à la somme de ce qui suit :

- a) une valeur relative à chaque élève qui est inscrit à une classe ou à un cours d'éducation permanente créé par le conseil, à l'exclusion d'un cours d'éducation permanente dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$\frac{C \times D}{300 \times 190}$$

où :

- «C» correspond au nombre de séances pour lesquelles l'élève est inscrit pendant l'exercice,
- «D» correspond au nombre de minutes que comprend chaque séance;
- b) une valeur relative à chaque élève qui est inscrit à un cours d'éducation permanente créé par le conseil et dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$E \times 0,1158 \times F$$

où :

- «E» correspond au nombre de crédits et de fractions de crédits que peut obtenir l'élève qui termine le cours avec succès,
- «F» correspond à la fraction représentant la tranche de la quantité totale de travail exigée pour terminer le cours que l'élève a terminée au cours de l'exercice.

(2) Une classe ou un cours constitue une classe ou un cours d'éducation permanente pour l'application du paragraphe (1) s'il n'est pas une classe ou un cours d'été au sens du paragraphe 4 (1), qu'il est approuvé par le ministre et qu'il satisfait aux conditions de l'une des dispositions suivantes :

1. La classe ou le cours :

- i. d'une part, est créé à l'intention d'adultes qui peuvent obtenir un ou plusieurs crédits, une fraction de crédit mentionnée dans la publication du ministère intitulée «Les écoles secondaires de l'Ontario, de la 9^e à la 12^e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999» ou une fraction de crédit approuvée par le ministre,
 - ii. d'autre part, appartient au cycle intermédiaire, s'il est offert par une administration scolaire qui n'est autorisée qu'à dispenser un enseignement à l'élémentaire.
2. Il s'agit d'une classe ou d'un cours d'instruction civique et, au besoin, d'apprentissage du français ou de l'anglais et est destiné à des personnes admises au Canada à titre de résidents permanents en application de la *Loi sur l'immigration et la protection des réfugiés* (Canada).
 3. Il s'agit d'une classe ou d'un cours de français ou d'anglais destiné à des adultes dont la première langue apprise et encore comprise n'est ni le français ni l'anglais, mais non d'une classe ou d'un cours dans lequel l'élève peut obtenir un crédit en français ou en anglais langue seconde.
 4. Il s'agit d'une classe ou d'un cours de langue autochtone destiné à des adultes.

5. Il s'agit d'une classe ou d'un cours destiné à accroître l'aptitude à lire, à écrire et à compter des élèves de septième ou de huitième année auxquels le directeur de l'école où l'élève est inscrit à des cours de jour a recommandé un programme de rattrapage destiné à accroître leur aptitude à lire, à écrire et à compter et la classe ou le cours ne fait pas partie d'un programme scolaire de jour.
6. Il s'agit d'une classe ou d'un cours ne donnant pas droit à un crédit qui est destiné à accroître l'aptitude à lire, à écrire et à compter des élèves de neuvième année ou d'une année subséquente auxquels le directeur de l'école où l'élève est inscrit à des cours de jour a recommandé un programme de rattrapage de neuvième ou de dixième année destiné à accroître leur aptitude à lire, à écrire et à compter et la classe ou le cours ne fait pas partie d'un programme scolaire de jour.
7. Il s'agit d'une classe ou d'un cours destiné à accroître l'aptitude à lire, à écrire et à compter et créé à l'intention d'adultes qui sont soit le père, la mère ou le tuteur d'un élève inscrit à un programme scolaire de jour auquel le directeur de l'école où l'élève est inscrit à des cours de jour a recommandé un programme de rattrapage destiné à accroître l'aptitude à lire, à écrire et à compter.
8. Il s'agit d'une classe ou d'un cours destiné aux élèves du secondaire qui ont choisi de suivre un cours de transition donnant droit à crédit afin de changer de type de cours conformément à l'article 5.6 de la publication du ministère intitulée «Les écoles secondaires de l'Ontario, de la 9^e à la 12^e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999».
9. Il s'agit d'une classe ou d'un cours destiné aux élèves qui sont inscrits en neuvième année pendant l'année scolaire et le directeur, le chef ou le responsable de l'école ou de l'établissement où l'élève est inscrit l'encourage fortement à terminer avec succès un cours supplémentaire d'une durée maximale de 30 heures avant de transférer d'un type de cours offert en neuvième année à celui offert dans la même matière en dixième année, conformément à l'article 5.6 de la publication du ministère intitulée «Les écoles secondaires de l'Ontario, de la 9^e à la 12^e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999».

(3) Tout élève d'une classe ou d'un cours donnant droit à crédit qui n'est pas un adulte est décompté aux fins du calcul de l'effectif quotidien moyen de l'éducation permanente effectué pour le conseil en application du paragraphe (1) à l'égard d'une classe ou d'un cours créé à l'intention d'adultes et visé au paragraphe (2).

(4) Les règles suivantes s'appliquent au calcul de l'effectif quotidien moyen de l'éducation permanente effectué pour le conseil en application du paragraphe (1) à l'égard d'une classe ou d'un cours visé au paragraphe (5) :

1. Le nombre d'élèves de la classe ou du cours qui compte 10 élèves ou plus, mais moins de 15, est porté à 15.
2. Le nombre d'élèves de la classe ou du cours qui compte moins de 10 élèves est augmenté de cinq.

(5) Le paragraphe (4) s'applique à l'égard d'une classe ou d'un cours qui réunit les conditions suivantes :

- a) il est visé à la disposition 2, 3 ou 4 du paragraphe (2);
- b) il est visé à la disposition 1 du paragraphe (2), mais ne constitue pas un cours dispensé principalement par des moyens autres qu'un enseignement en classe, et il est offert, le cas échéant, par une école secondaire qui :
 - (i) d'une part, a un effectif de moins de 120 élèves par année d'études,
 - (ii) d'autre part, est située dans un district territorial, à plus de 80 kilomètres de toutes les autres écoles secondaires de la province qui dispensent l'enseignement dans la même langue.

Effectif quotidien moyen pendant l'été

4. (1) La définition qui suit s'applique au présent article.

«classe ou cours d'été» Classe ou cours qui réunit les conditions suivantes :

- a) il est offert par un conseil entre 8 h et 17 h;
- b) il commence après la fin de l'année scolaire 2003-2004 et se termine avant le début de l'année scolaire 2004-2005;
- c) il s'agit d'une classe ou d'un cours, selon le cas :
 - (i) qui est destiné aux élèves qui présentent un retard du développement,
 - (ii) où l'élève peut obtenir un crédit,
 - (iii) qui est destiné aux élèves qui ont terminé la septième année ou une année subséquente et auxquels le directeur, le chef ou le responsable de l'école ou de l'établissement où l'élève a terminé la septième ou la huitième année a recommandé un programme de rattrapage de septième ou de huitième année destiné à accroître leur aptitude à lire, à écrire et à compter,
 - (iv) qui est destiné aux élèves qui étaient inscrits en neuvième année ou dans une année subséquente et auxquels le directeur, le chef ou le responsable de l'école ou de l'établissement où l'élève était inscrit a recommandé un

programme de rattrapage de neuvième ou de dixième année destiné à accroître leur aptitude à lire, à écrire et à compter mais ne donnant pas droit à crédit,

(v) qui est destiné aux élèves qui étaient inscrits en dixième ou en onzième année et qui ont choisi de suivre un cours de transition donnant droit à crédit afin de changer de type de cours conformément à l'article 5.6 de la publication du ministère intitulée «Les écoles secondaires de l'Ontario, de la 9e à la 12e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999»,

(vi) qui est destiné aux élèves qui sont inscrits en neuvième année pendant l'année scolaire 2003-2004 et le directeur, le chef ou le responsable de l'école ou de l'établissement où l'élève est inscrit l'encourage fortement à terminer avec succès un cours complémentaire ne donnant pas droit à crédit d'une durée maximale de 30 heures lorsqu'il a l'intention de transférer d'un type de cours offert en neuvième année à celui offert dans la même matière en dixième année, conformément à l'article 5.6 de la publication du ministère intitulée «Les écoles secondaires de l'Ontario, de la 9e à la 12e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999».

(2) Seuls les élèves suivants sont dénombrés pour l'application du présent article :

1. Les élèves qui étaient inscrits à un programme scolaire de jour dispensé par un conseil.

2. Les élèves qui étaient inscrits de la première à la douzième années ou à un cours préuniversitaire de l'Ontario dans une école privée à l'égard de laquelle le paragraphe 16 (1) de la Loi était observé lorsque les élèves y étaient inscrits.

(3) L'effectif quotidien moyen des cours d'été d'un conseil pour l'exercice correspond à la somme de valeurs dont chacune est une valeur relative à chaque élève qui est inscrit à une classe ou à un cours d'été dispensé par le conseil, à l'exclusion d'un cours dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$\frac{G \times H}{300 \times 190}$$

où :

«G» correspond au nombre de séances de la classe ou du cours d'été auquel l'élève est inscrit pendant l'exercice,

«H» correspond au nombre de minutes que comprend chaque séance.

17/03

ONTARIO REGULATION 138/03

made under the

EDUCATION ACT

Made: April 3, 2003
Approved: April 9, 2003
Filed: April 11, 2003

CALCULATION OF FEES FOR PUPILS FOR THE 2003-2004 SCHOOL BOARD FISCAL YEAR

Interpretation

1. (1) In this Regulation,

“A.D.E. regulation” means Ontario Regulation 137/03; (“règlement sur l'effectif quotidien moyen”)

“continuing education A.D.E.”, for a board, means the continuing education average daily enrolment for the board, as calculated under section 3 of the A.D.E. regulation; (“effectif quotidien moyen des cours d'éducation permanente”)

“continuing education class or course” has the same meaning as in section 3 of the A.D.E. regulation; (“classe ou cours d'éducation permanente”)

“day school A.D.E.”, for a board, means the day school average daily enrolment for the board, as calculated under section 2 of the A.D.E. regulation; (“effectif quotidien moyen de jour”)

“day school program” does not include continuing education or summer school classes or courses; (“programme scolaire de jour”)

"elementary school pupil" means a pupil who is enrolled in any of junior kindergarten, kindergarten and grades one to eight; ("élève de l'élémentaire")

"grant regulation" means Ontario Regulation 139/03; ("règlement sur les subventions")

"high cost program" means,

- (a) a special education program, or
- (b) any other program which both the board and the party from whom the tuition fee is receivable agree is a high cost program for the purposes of this Regulation; ("programme à coût élevé")

"isolate board" means a school authority other than a section 68 board; ("conseil isolé")

"P.A.C.", for a pupil, means the pupil accommodation charge for a pupil as determined under subsections (3) and (4); ("frais de pension")

"secondary school pupil" means a pupil who is enrolled in any of grades nine to twelve or in a course leading to an OAC credit; ("élève du secondaire")

"section 68 board" means a board established under section 68 of the Act; ("conseil créé en vertu de l'article 68")

"summer school A.D.E.", for a board, means the summer school average daily enrolment for the board, as calculated under section 4 of the A.D.E. regulation; ("effectif quotidien moyen des cours d'été")

"summer school class or course" means a summer school class or course as defined in subsection 4 (1) of the A.D.E. regulation. ("classe ou cours d'été")

(2) The following rules apply for the purposes of this Regulation:

1. A pupil is considered to be a pupil of a board if he or she is a pupil of the board for the purposes of the grant regulation.
2. The day school A.D.E. of a pupil enrolled in a school operated by a board is the day school A.D.E. for the board, calculated as if the pupil were the board's only pupil.

(3) The pupil accommodation charge for a pupil is \$141 in the case of an elementary school pupil or \$282 in the case of a secondary school pupil.

(4) Despite subsection (3), if a board has entered into an agreement under subsection 188 (3) of the Act that provides for a payment by the Crown in right of Canada to provide classroom accommodation for a specified number of pupils, the pupil accommodation charge for each pupil accommodated as a result of the agreement is zero.

Application

2. This Regulation applies in respect of the fiscal year of boards that commences on September 1, 2003 and ends on August 31, 2004.

Education for Indians

3. (1) This section applies in respect of a pupil who is enrolled in a day school program in a school operated by a district school board or an isolate board if a fee in respect of the pupil is receivable by the board from,

- (a) the Crown in right of Canada; or
- (b) a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians.

(2) The fee in respect of the pupil is calculated by multiplying the day school A.D.E. of the pupil by the sum of the P.A.C. for the pupil and the base fee determined,

- (a) under subsection (3), in the case of a pupil who is an elementary school pupil enrolled in a school operated by a district school board;
- (b) under subsection (4), in the case of a pupil who is a secondary school pupil enrolled in a school operated by a district school board; or
- (c) under subsection (6), in the case of a pupil who is enrolled in a school operated by an isolate board.

(3) The base fee for an elementary school pupil enrolled in a school operated by a district school board is determined as follows:

1. Take the sum of,
 - i. the board's base amount for elementary school pupils for the fiscal year, as determined under paragraph 1 of subsection 13 (2) of the grant regulation, and

- ii. the product of \$200 multiplied by the day school A.D.E. for the board, counting only elementary school pupils of the board.
2. Determine an amount on account of the special education allocation for elementary school pupils, as follows:
 - i. Take the day school A.D.E. for the board, counting only pupils enrolled in junior kindergarten, kindergarten and grades one to three.
 - ii. Multiply the number determined under subparagraph i by \$562, to obtain the enrolment-based special education amount for junior kindergarten to grade three.
 - iii. Take the day school A.D.E. for the board, counting only pupils enrolled in any of grades four to eight.
 - iv. Multiply the number determined under subparagraph iii by \$424, to obtain the enrolment-based special education amount for grades four to eight.
 - v. Calculate the sum of the approved ISA level 1 claims for elementary school pupils of the board for the fiscal year, as determined under section 16 of the grant regulation.
 - vi. Calculate the part of the total approved special incidence ISA claims for the board for the fiscal year, as determined under section 19 of the grant regulation, that is generated by elementary school pupils of the board.
 - vii. Calculate the total of the portion of the ISA level 2 claim for the board for the fiscal year that is generated by elementary school pupils of the board and the portion of the ISA level 3 claim for the board for the fiscal year that is generated by elementary school pupils of the board.
 - viii. Total the amounts obtained under subparagraphs ii, iv, v, vi and vii.
3. In the case of an English-language district school board, determine an amount on account of the language allocation for elementary school pupils, as follows:
 - i. Take the French as a second language amount for elementary school pupils of the board for the fiscal year, as determined under section 23 of the grant regulation.
 - ii. Calculate the part of the ESL/ESD amount for the board that is generated by elementary school pupils of the board, as follows:
 - A. Multiply \$2,834 by the total of the amounts that would be determined under clauses 25 (1) (a) to (c) of the grant regulation if only elementary school pupils of the board were counted.
 - B. Take the amount set out for the board in Table 1 of the grant regulation opposite the name of the board.
 - C. Divide the amount referred to in sub-subparagraph B by the day school A.D.E. for the board, counting only pupils of the board.
 - D. Multiply the result obtained under sub-subparagraph C by the day school A.D.E. for the board, counting only elementary school pupils of the board.
 - E. Add the amounts calculated under sub-subparagraphs A and D.
 - iii. Add the amount referred to in subparagraph i and the amount determined under subparagraph ii.
4. In the case of a French-language district school board, determine an amount on account of the language allocation for elementary school pupils, as follows:
 - i. Multiply by \$412 the number of elementary school pupils of the board on October 31, 2003.
 - ii. Divide the ALF funding level for the board for the fiscal year, as determined under section 28 of the grant regulation, by the total number of elementary and secondary instructional units for ALF purposes for the fiscal year, as determined for the board under that section. Multiply the result by the total number of elementary instructional units for ALF purposes.
 - iii. Calculate the part of the PDF funding level for the board for the fiscal year, as determined under section 28 of the grant regulation, that is generated by elementary school pupils of the board.
 - iv. Total the amounts determined under subparagraphs i, ii and iii.
5. Add the part of the small schools amount for the board for the fiscal year, as determined under section 29 of the grant regulation, that relates to the board's elementary schools and the elementary school principals amount for the board for the fiscal year, as determined under that section.
6. Determine an amount on account of the remote and rural allocation for elementary school pupils, as follows:
 - i. Divide the amount of the board's remote and rural allocation for the year, as determined under section 30 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board.

- ii. Multiply the amount determined under subparagraph i by the day school A.D.E. for the board, counting only elementary school pupils of the board.
 7. Determine an amount on account of the learning opportunities allocation for elementary school pupils, as follows:
 - i. Take the total of,
 - A. the amount set out in Column 2 of Table 4 of the grant regulation opposite the name of the board,
 - B. the amount determined for the board under paragraph 4 of subsection 32 (4) of the grant regulation, and
 - C. \$138,900.
 - ii. Divide the amount determined under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
 - iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only elementary school pupils of the board.
 - iv. Multiply the day school A.D.E. for the board, counting only pupils enrolled in junior kindergarten, kindergarten and grades one to three, by \$122.
 - v. Take the total of,
 - A. the amount determined for the board under paragraph 2 of subsection 32 (4) of the grant regulation, and
 - B. the amount determined for the board under paragraph 8 of subsection 32 (4) of the grant regulation.
 - vi. Add the amounts determined under subparagraphs iii, iv and v.
 8. Take the amount of the board's elementary school teacher qualification and experience allocation for the fiscal year, as determined under section 33 of the grant regulation.
 9. Take the amount of the board's early learning allocation for the fiscal year, as determined under section 34 of the grant regulation.
 10. Determine an amount on account of the administration and governance allocation for elementary school pupils, as follows:
 - i. Divide the amount of the board's administration and governance allocation for the fiscal year, as determined under section 36 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board.
 - ii. Multiply the amount determined under subparagraph i by the day school A.D.E. for the board, counting only elementary school pupils of the board.
 11. Determine an amount on account of the school operations part of the pupil accommodation allocation for elementary school pupils by multiplying the benchmark operating cost of \$58.56 per metre squared,
 - i. by the adjusted elementary school area requirement for the board determined under section 37 of the grant regulation, if a supplementary elementary school area factor is approved for the board under that section, or
 - ii. by the elementary school area requirement for the board determined under section 37 of the grant regulation, if no supplementary elementary school area factor is approved for the board under that section.
 12. Take the amount of the board's total top up amount for elementary school operations for the fiscal year, as determined under section 37 of the grant regulation.
 13. Determine an amount on account of the board's adjustment for declining enrolment in respect of elementary school pupils by,
 - i. dividing the amount of the board's adjustment for declining enrolment, if any, as determined under section 39 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board, and
 - ii. multiplying the amount determined under subparagraph i by the day school A.D.E. for the board, counting only elementary school pupils of the board.
 14. Total the amounts determined for the board under paragraphs 1 to 13.
 15. Deduct the portion of the board's OMERS savings, within the meaning of section 1 of the grant regulation, that is reasonably attributed by the board to elementary school pupils from the amount determined under paragraph 14 and divide the resulting amount by the day school A.D.E. for the board, counting only elementary school pupils of the board.
- (4) The base fee for a pupil who is a secondary school pupil enrolled in a school operated by a district school board is determined as follows:
1. Take the sum of,

- i. the board's base amount for secondary school pupils for the fiscal year, as determined under paragraph 2 of subsection 13 (2) of the grant regulation, and
 - ii. the product of \$200 multiplied by the day school A.D.E. for the board, counting only secondary school pupils of the board.
2. Determine an amount on account of the special education allocation for secondary school pupils, as follows:
 - i. Determine the day school A.D.E. of the board, counting only secondary school pupils of the board.
 - ii. Multiply the number determined under subparagraph i by \$274.
 - iii. Calculate the sum of the approved ISA level 1 claims for secondary school pupils of the board for the fiscal year, as determined under section 16 of the grant regulation.
 - iv. Calculate the part of the total approved special incidence ISA claims for the board for the fiscal year, as determined under section 19 of the grant regulation, that is generated by secondary school pupils of the board.
 - v. Calculate the total of the portion of the ISA level 2 claim for the board for the fiscal year that is generated by secondary school pupils of the board and the portion of the ISA level 3 claim for the board for the fiscal year that is generated by secondary school pupils of the board.
 - vi. Total the amounts obtained under subparagraphs ii, iii, iv and v.
3. In the case of an English-language district school board, determine an amount on account of the language allocation for secondary school pupils, as follows:
 - i. Take the French as a second language amount for secondary school pupils of the board for the fiscal year, as determined under section 23 of the grant regulation.
 - ii. Calculate the part of the ESL/ESD amount for the board that is generated by secondary school pupils of the board, as follows:
 - A. Calculate the part of the ESL/ESD amount for the board, as calculated under section 25 of the grant regulation, that is generated by secondary school pupils of the board.
 - B. Take the amount set out for the board in Table 1 of the grant regulation opposite the name of the board.
 - C. Divide the amount referred to in sub-subparagraph B by the day school A.D.E. for the board, counting only pupils of the board.
 - D. Multiply the result obtained under sub-subparagraph C by the day school A.D.E. for the board, counting only secondary school pupils of the board.
 - E. Add the amounts calculated under sub-subparagraphs A and D.
 - iii. Add the amount referred to in subparagraph i and the amount determined under subparagraph ii.
4. In the case of a French-language district school board, determine an amount on account of the language allocation for secondary school pupils, as follows:
 - i. Multiply \$666 by the day school ADE, counting only secondary school pupils of the board.
 - ii. Divide the ALF funding level for the board for the fiscal year, as determined under section 28 of the grant regulation, by the total number of elementary and secondary instructional units for ALF purposes for the fiscal year, as determined for the board under that section. Multiply the result by the total number of secondary instructional units for ALF purposes.
 - iii. Calculate the part of the PDF funding level for the board for the fiscal year, as determined under section 28 of the grant regulation, that is generated by secondary school pupils of the board.
 - iv. Total the amounts determined under subparagraphs i, ii and iii.
5. Add the part of the small schools amount for the board for the fiscal year, as determined under section 29 of the grant regulation, that relates to the board's secondary schools and the secondary school principals amount for the board for the fiscal year, as determined under that section.
6. Determine an amount on account of the remote and rural allocation for secondary school pupils, as follows:
 - i. Divide the amount of the board's remote and rural allocation for the fiscal year, as determined under section 30 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board.
 - ii. Multiply the amount determined under subparagraph i by the day school A.D.E. for the board, counting only secondary school pupils of the board.
7. Determine an amount on account of the learning opportunities allocation for secondary school pupils, as follows:
 - i. Take the total of,

- A. the amount set out in Column 2 of Table 4 of the grant regulation opposite the name of the board,
 - B. the amount determined for the board under paragraph 4 of subsection 32 (4) of the grant regulation, and
 - C. \$138,900.
- ii. Divide the amount determined under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
 - iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only secondary school pupils of the board.
 - iv. Take the total of,
 - A. the amount determined for the board under paragraph 1 of subsection 32 (4) of the grant regulation, and
 - B. the amount determined for the board under paragraph 6 of subsection 32 (4) of the grant regulation.
 - v. Add the amounts determined under subparagraphs iii and iv.
8. Take the amount of the board's secondary school teacher qualification and experience allocation for the fiscal year, as determined under section 33 of the grant regulation.
 9. Determine an amount on account of the administration and governance allocation for secondary school pupils, as follows:
 - i. Divide the amount of the board's administration and governance allocation for the fiscal year, as determined under section 36 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board.
 - ii. Multiply the amount determined under subparagraph i by the day school A.D.E. for the board, counting only secondary school pupils of the board.
 10. Determine an amount on account of the school operations part of the pupil accommodation allocation for secondary school pupils, by multiplying the benchmark operating cost of \$58.56 per metre squared,
 - i. by the adjusted secondary school area requirement for the board determined under section 37 of the grant regulation, if a supplementary secondary school area factor is approved for the board under that section, or
 - ii. by the secondary school area requirement for the board determined under section 37 of the grant regulation, if no supplementary secondary school area factor is approved for the board under that section.
 11. Take the amount of the board's total top up amount for secondary school operations for the fiscal year, as determined under section 37 of the grant regulation.
 12. Determine an amount on account of the board's adjustment for declining enrolment in respect of secondary school pupils by,
 - i. dividing the amount of the board's adjustment for declining enrolment, if any, as determined under section 39 of the grant regulation, by the day school A.D.E. for the board, counting only pupils of the board, and
 - ii. multiplying the amount determined under subparagraph i by the day school A.D.E. for the board, counting only secondary school pupils of the board.
 13. Total the amounts determined for the board under paragraphs 1 to 12.
 14. Deduct the portion of the board's OMERS savings, within the meaning of section 1 of the grant regulation, that is reasonably attributed by the board to secondary school pupils from the amount determined under paragraph 13 and divide the resulting amount by the day school A.D.E. for the board, counting only secondary school pupils of the board.
- (5) For the purposes of subsections (3) and (4), the sum of the portion of the board's OMERS savings attributable by the board to elementary school pupils and the portion of the board's OMERS savings attributable by the board to secondary school pupils must not exceed the amount of the board's OMERS savings within the meaning of section 1 of the grant regulation.
- (6) The base fee for a pupil who is enrolled in a school operated by an isolate board is determined as follows:
1. Take the approved expenditure of the board within the meaning of subsection 46 (1) of the grant regulation.
 2. Deduct the amount of the approved expenditure referred to in paragraph 1 that relates to transportation.
 3. Deduct the amount of the approved expenditure referred to in paragraph 1 that relates to school renewal.
 4. Divide the amount obtained under paragraph 3 by the day school A.D.E. for the board, counting only pupils of the board.

(7) The fee in respect of a pupil described in subsection (1) who is enrolled in a Native language program in a school operated by a district school board and whose fee is receivable from an entity described in clause (1) (a) or (b), may be increased, at the option of the district school board, by an amount equal to the allocation for Native language that would be generated for the pupil if he or she were a pupil of the board, determined in accordance with section 24 of the grant regulation.

(8) The fee in respect of a pupil described in subsection (1) who is enrolled in a high cost program may be increased, at the option of the board, to the amount determined by multiplying the fee that would otherwise be payable,

- (a) by a factor agreed on by the board providing the instruction and the party from whom the fee is receivable; or
- (b) by a factor determined in the manner described in subsection (9) if the board and the party cannot agree on a factor.

(9) If the board providing the instruction and the party from whom the fee is receivable cannot agree on a factor, the factor shall be determined by three arbitrators, appointed as follows:

1. One arbitrator appointed by the board that provides the instruction.
2. One arbitrator appointed by the party from whom the fee is receivable.
3. One arbitrator appointed by the arbitrators appointed under paragraphs 1 and 2.

(10) The decision of the arbitrators or a majority of them is final and binding on the board providing the instruction and on the party from whom the fee is receivable.

(11) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies.

Fees, residing in Ontario

4. (1) This section applies in respect of a pupil described in subsection 46 (2) of the Act who is enrolled in a day school program in a school of a district school board or an isolate board and who resides in a school section, separate school zone or secondary school district in which the pupil's parent or guardian resides, on land that is exempt from taxation for the purposes of any board.

(2) The fee that a board shall charge in respect of a pupil described in subsection (1) to the parent or guardian is \$40 for each month or part of a month the pupil is enrolled in a school of the board.

(3) A board charging a parent or guardian a fee of \$40 for any month or part of a month under subsection (2) in respect of a pupil described in subsection (1) who is enrolled in a school of the board shall not charge the parent or guardian any fee under subsection (2) for the same month or part of a month in respect of another pupil described in subsection (1) who is enrolled in a school of the board.

(4) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies.

Fees, not residing in Ontario

5. (1) The fee in respect of a pupil who is enrolled in a day school program in a school of a district school board or an isolate board and whose parent or guardian does not reside in Ontario is an amount determined by the board that does not exceed the maximum fee determined under subsection (2) or (3).

(2) Except as is provided in subsection (3), the maximum fee is the amount calculated as follows:

1. Add the base fee determined for the pupil under subsection 3 (3), (4) or (6), as applicable, and the P.A.C. for the pupil.
2. Multiply the amount obtained under paragraph 1 by 0.1.
3. Multiply the result obtained under paragraph 2 by the number of months or part months during which the pupil is enrolled in a school operated by the board.

(3) If the pupil is enrolled in a high cost program, the maximum fee is the total of the amount calculated under subsection (2) and such additional amount as may be determined by the Board that does not exceed the additional cost to the board of providing the high cost program to the pupil.

(4) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies.

Fees, s. 68 boards

6. (1) The fee in respect of a pupil who is enrolled in a day school program in a school operated by a section 68 board and whose parent or guardian does not reside in Ontario is the amount determined as follows:

1. Take the expenditure of the board for the fiscal year that is acceptable to the Minister for grant purposes, excluding,
 - i. expenditures for debt charges,
 - ii. expenditures for the purchase of capital assets, as determined under the grant regulation,
 - iii. expenditures for the restoration of destroyed or damaged capital assets, as determined under the grant regulation,and

- iv. provisions for reserves for working funds and provisions for reserve funds.
 2. Deduct the revenue of the board for the fiscal year from,
 - i. any organization on whose property a school of the board is located, and
 - ii. refunds of expenditure of the kind described in subparagraph 1 i, ii or iii.
 3. Determine the number of pupil days for the period September 1, 2003 to August 31, 2004 by adding, for each instructional day in that period, the number of pupils enrolled in schools of the board who receive instruction on that day.
 4. Divide the amount obtained under paragraph 2 by the total number of pupil days determined under paragraph 3.
 5. Multiply the result obtained under paragraph 4 by the number of instructional days for which the pupil is enrolled in a school of the board during the same period.
- (2) This section does not apply to a pupil to whom subsection 49 (6) of the Act applies.

Fees, pupils to whom s. 49 (6) of the Act applies

7. (1) The fee in respect of a pupil who is enrolled in a day school program and to whom subsection 49 (6) of the Act applies is the amount determined in accordance with a fees policy developed for the purposes of this section by the board that operates the school in which the pupil is enrolled.

(2) A board's fee policy must not authorize a fee in respect of an elementary school pupil that is less than the amount that would be calculated under subsection 3 (2) in respect of an elementary school pupil, if that subsection had applied to the pupil and subsection 49 (6) of the Act had not applied to the pupil.

(3) A board's fee policy must not authorize a fee in respect of a secondary school pupil that is less than the amount that would be calculated under subsection 3 (2) in respect of a secondary school pupil, if that subsection had applied to the pupil and subsection 49 (6) of the Act had not applied to the pupil.

Fees, summer school and continuing education

8. (1) The fee in respect of a pupil to whom subsection 49 (6) of the Act applies and who is enrolled in a summer school or continuing education class or course provided by a district school board or an isolate board is the amount determined by the board.

(2) The fee referred to in subsection (1) in respect of a pupil enrolled in a continuing education class or course of the board shall not be less than the fee determined by applying paragraphs 1 to 3 of subsection (4).

(3) The fee referred to in subsection (1) in respect of a pupil enrolled in a summer school program of the board shall not be less than the fee determined by applying paragraphs 1 to 3 of subsection (5).

(4) The fee in respect of a pupil described in subsection 3 (1) or 5 (1) who is enrolled in a continuing education class or course provided by a district school board or an isolate board is such amount as may be agreed on by the board and the party from whom the fee is receivable or, in the absence of agreement, the amount determined as follows:

1. Determine the expenditure of the board in the fiscal year for continuing education classes or courses.
2. Divide the amount determined under paragraph 1 by the continuing education A.D.E. for the board.
3. Multiply the result obtained under paragraph 2 by the continuing education A.D.E. for the board, counting only pupils described in this subsection.

(5) The fee in respect of a pupil described in subsection 3 (1) or 5 (1) who is enrolled in a summer school class or course provided by a district school board or an isolate board is such amount as may be agreed on by the board and the party from whom the fee is receivable or, in the absence of agreement, the amount determined as follows:

1. Determine the expenditure of the board in the fiscal year for summer school classes or courses.
2. Divide the amount determined under paragraph 1 by the summer school A.D.E. for the board.
3. Multiply the result obtained under paragraph 2 by the summer school A.D.E. for the board, counting only pupils described in this subsection.

No fee between boards

9. No fee is payable under this Regulation by one board to another board.

ELIZABETH WITMER
Minister of Education

Dated on April 3, 2003.

RÈGLEMENT DE L'ONTARIO 138/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 3 avril 2003
 approuvé le 9 avril 2003
 déposé le 11 avril 2003

CALCUL DES DROITS EXIGIBLES À L'ÉGARD DES ÉLÈVES POUR L'EXERCICE 2003-2004 DES CONSEILS SCOLAIRES

Interprétation

1. (1) Les définitions qui suivent s'appliquent au présent règlement.

«classe ou cours d'éducation permanente» S'entend au sens de l'article 3 du règlement sur l'effectif quotidien moyen. («continuing education class or course»)

«classe ou cours d'été» S'entend au sens du paragraphe 4 (1) du règlement sur l'effectif quotidien moyen. («summer school class or course»)

«conseil créé en vertu de l'article 68» Conseil créé en vertu de l'article 68 de la Loi. («section 68 board»)

«conseil isolé» Administration scolaire, à l'exclusion d'un conseil créé en vertu de l'article 68. («isolate board»)

«effectif quotidien moyen de jour» À l'égard d'un conseil, s'entend de l'effectif quotidien moyen de jour du conseil calculé en application de l'article 2 du règlement sur l'effectif quotidien moyen. («day school A.D.E.»)

«effectif quotidien moyen des cours d'éducation permanente» À l'égard d'un conseil, s'entend de l'effectif quotidien moyen des cours d'éducation permanente du conseil calculé en application de l'article 3 du règlement sur l'effectif quotidien moyen. («continuing education A.D.E.»)

«effectif quotidien moyen des cours d'été» À l'égard d'un conseil, s'entend de l'effectif quotidien moyen des cours d'été du conseil calculé en application de l'article 4 du règlement sur l'effectif quotidien moyen. («summer school A.D.E.»)

«élève de l'élémentaire» Élève inscrit à la maternelle, au jardin d'enfants ou à l'une des huit premières années d'études. («elementary school pupil»)

«élève du secondaire» Élève inscrit à la neuvième, dixième, onzième ou douzième année d'études ou à un cours menant à l'obtention d'un crédit des cours préuniversitaires de l'Ontario. («secondary school pupil»)

«frais de pension» À l'égard d'un élève, s'entend des frais de pension de l'élève calculés en application des paragraphes (3) et (4). («P.A.C.»)

«programme à coût élevé» Selon le cas :

a) programme d'enseignement à l'enfance en difficulté;

b) tout autre programme dont le conseil et la partie qui doit payer les droits de scolarité conviennent qu'il s'agit d'un programme à coût élevé pour l'application du présent règlement. («high cost program»)

«programme scolaire de jour» Les classes ou cours d'éducation permanente et les classes ou cours d'été ne sont pas compris dans les programmes scolaires de jour. («day school program»)

«règlement sur l'effectif quotidien moyen» Le Règlement de l'Ontario 137/03. («A.D.E. regulation»)

«règlement sur les subventions» Le Règlement de l'Ontario 139/03. («grant regulation»)

(2) Les règles suivantes s'appliquent pour l'application du présent règlement :

1. Un élève est considéré comme un élève d'un conseil s'il l'est pour l'application du règlement sur les subventions.

2. L'effectif quotidien moyen de jour d'un élève inscrit à une école qui relève d'un conseil est l'effectif quotidien moyen de jour du conseil calculé comme si l'élève était le seul élève du conseil.

(3) Les frais de pension sont de 141 \$ dans le cas d'un élève de l'élémentaire et de 282 \$ dans le cas d'un élève du secondaire.

(4) Malgré le paragraphe (3), si un conseil a conclu, en vertu du paragraphe 188 (3) de la Loi, une entente qui prévoit le paiement, par la Couronne du chef du Canada, d'une somme permettant la fourniture de facilités d'accueil à un nombre précis d'élèves, les frais de pension de chaque élève visé par l'entente sont nuls.

Application

2. Le présent règlement s'applique à l'égard de l'exercice des conseils qui commence le 1^{er} septembre 2003 et qui se termine le 31 août 2004.

Enseignement aux Indiens

3. (1) Le présent article s'applique à l'égard de l'élève inscrit à un programme scolaire de jour dans une école qui relève d'un conseil scolaire de district ou d'un conseil isolé si le conseil peut recevoir des droits à l'égard de cet élève :

- a) soit de la Couronne du chef du Canada;
- b) soit d'une bande, d'un conseil de bande ou d'une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens.

(2) Les droits exigibles à l'égard de l'élève sont calculés en multipliant l'effectif quotidien moyen de jour de l'élève par la somme des frais de pension de l'élève et des droits de base calculés :

- a) en application du paragraphe (3), dans le cas d'un élève de l'élémentaire inscrit à une école qui relève d'un conseil scolaire de district;
- b) en application du paragraphe (4), dans le cas d'un élève du secondaire inscrit à une école qui relève d'un conseil scolaire de district;
- c) en application du paragraphe (6), dans le cas d'un élève inscrit à une école qui relève d'un conseil isolé.

(3) Les droits de base relatifs à un élève de l'élémentaire inscrit à une école qui relève d'un conseil scolaire de district sont calculés de la manière suivante :

1. Prendre le total de ce qui suit :

- i. la somme de base du conseil qui vise les élèves de l'élémentaire pour l'exercice, calculée en application de la disposition 1 du paragraphe 13 (2) du règlement sur les subventions,
- ii. le produit obtenu en multipliant par 200 \$ l'effectif quotidien moyen de jour du conseil, en ne comptant que ses élèves de l'élémentaire.

2. Calculer la part de l'élément éducation de l'enfance en difficulté qui vise les élèves de l'élémentaire, de la manière suivante :

- i. Prendre l'effectif quotidien moyen de jour du conseil, en ne comptant que les élèves inscrits à la maternelle, au jardin d'enfants et aux première, deuxième et troisième années.
- ii. Multiplier le nombre obtenu en application de la sous-disposition i par 562 \$ pour obtenir la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour les élèves de la maternelle aux première, deuxième et troisième années.
- iii. Prendre l'effectif quotidien moyen de jour du conseil, en ne comptant que les élèves inscrits aux quatrième, cinquième, sixième, septième et huitième années.
- iv. Multiplier le nombre obtenu en application de la sous-disposition iii par 424 \$ pour obtenir la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour les élèves des quatrième, cinquième, sixième, septième et huitième années.
- v. Calculer la somme des demandes approuvées à l'égard d'AAS de niveau 1 pour l'exercice, calculées en application de l'article 16 du règlement sur les subventions, qui visent les élèves de l'élémentaire du conseil.
- vi. Calculer la part du total des demandes d'AAS pour cas spéciaux approuvées pour le conseil pour l'exercice, calculées en application de l'article 19 du règlement sur les subventions, qui vise les élèves de l'élémentaire du conseil.
- vii. Calculer la somme de la part de la demande d'AAS de niveau 2 du conseil pour l'exercice qui vise ses élèves de l'élémentaire et de la part de la demande d'AAS de niveau 3 du conseil pour l'exercice qui vise ses élèves de l'élémentaire.

viii. Additionner les sommes obtenues en application des sous-dispositions ii, iv, v, vi et vii.

3. Dans le cas d'un conseil scolaire de district de langue anglaise, calculer la part de l'élément enseignement des langues qui vise les élèves de l'élémentaire, de la manière suivante :

- i. Prendre la somme liée aux programmes de français langue seconde pour les élèves de l'élémentaire du conseil pour l'exercice, calculée en application de l'article 23 du règlement sur les subventions.
- ii. Calculer la part de la somme liée aux programmes d'ESL/ESD pour le conseil qui vise ses élèves de l'élémentaire, de la manière suivante :

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9. Prendre l'élément apprentissage durant les premières années d'études du conseil pour l'exercice, calculé en application de l'article 34 du règlement sur les subventions.
 10. Calculer la part de l'élément administration et gestion qui vise les élèves de l'élémentaire, de la manière suivante :
 - i. Diviser la part de l'élément administration et gestion du conseil pour l'exercice, calculé en application de l'article 36 du règlement sur les subventions, par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
 - ii. Multiplier la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.
 11. Calculer la part de la portion fonctionnement des écoles de l'élément installations d'accueil pour les élèves qui vise les élèves de l'élémentaire, en multipliant par le coût repère de fonctionnement de 58,56 \$ le mètre carré :
 - i. soit la superficie redressée des écoles élémentaires requise pour le conseil calculée en application de l'article 37 du règlement sur les subventions, si un facteur relatif à la superficie supplémentaire des écoles élémentaires est approuvé pour le conseil en application de cet article,
 - ii. soit la superficie des écoles élémentaires requise pour le conseil calculée en application de l'article 37 du règlement sur les subventions si aucun facteur relatif à la superficie supplémentaire des écoles élémentaires n'est approuvé pour le conseil en application de cet article.
 12. Prendre la somme complémentaire totale liée au fonctionnement des écoles élémentaires du conseil pour l'exercice, calculée en application de l'article 37 du règlement sur les subventions.
 13. Calculer la part de la somme liée au redressement pour baisse des effectifs du conseil qui vise les élèves de l'élémentaire, de la manière suivante :
 - i. Diviser la somme liée au redressement pour baisse des effectifs du conseil, le cas échéant, calculée en application de l'article 39 du règlement sur les subventions, par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
 - ii. Multiplier la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.
 14. Additionner les sommes calculées pour le conseil en application des dispositions 1 à 13.
 15. Déduire de la somme calculée pour le conseil en application de la disposition 14 la part des économies liées au R.R.E.M.O. du conseil, au sens de l'article 1 du règlement sur les subventions, qu'il attribue raisonnablement aux élèves de l'élémentaire et diviser le résultat par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.
- (4) Les droits de base relatifs à un élève du secondaire inscrit à une école qui relève d'un conseil scolaire de district sont calculés de la manière suivante :
1. Prendre le total de ce qui suit :
 - i. la somme de base du conseil qui vise les élèves du secondaire pour l'exercice, calculée en application de la disposition 2 du paragraphe 13 (2) du règlement sur les subventions,
 - ii. le produit obtenu en multipliant par 200 \$ l'effectif quotidien moyen de jour du conseil, en ne comptant que ses élèves du secondaire.
 2. Calculer la part de l'élément éducation de l'enfance en difficulté qui vise les élèves du secondaire, de la manière suivante :
 - i. Calculer l'effectif quotidien moyen de jour du conseil, en ne comptant que ses élèves du secondaire.
 - ii. Multiplier le nombre obtenu en application de la sous-disposition i par 274 \$.
 - iii. Calculer la somme des demandes approuvées à l'égard d'AAS de niveau 1 pour l'exercice, calculées en application de l'article 16 du règlement sur les subventions, qui visent les élèves du secondaire du conseil.
 - iv. Calculer la part du total des demandes d'AAS pour cas spéciaux approuvées pour le conseil pour l'exercice, calculées en application de l'article 19 du règlement sur les subventions, qui vise les élèves du secondaire du conseil.
 - v. Calculer la somme de la part de la demande d'AAS de niveau 2 du conseil pour l'exercice qui vise ses élèves du secondaire et de la part de la demande d'AAS de niveau 3 du conseil pour l'exercice qui vise ses élèves du secondaire.
 - vi. Additionner les sommes obtenues en application des sous-dispositions ii, iii, iv et v.
 3. Dans le cas d'un conseil scolaire de district de langue anglaise, calculer la part de l'élément enseignement des langues qui vise les élèves du secondaire, de la manière suivante :

- i. Prendre la somme liée aux programmes de français langue seconde pour les élèves du secondaire du conseil pour l'exercice, calculée en application de l'article 23 du règlement sur les subventions.
- ii. Calculer la part de la somme liée aux programmes d'ESL/ESD pour le conseil qui vise ses élèves du secondaire, de la manière suivante :
 - A. Calculer la part de la somme liée aux programmes d'ESL/ESD pour le conseil, calculée en application de l'article 25 du règlement sur les subventions, qui vise les élèves du secondaire du conseil.
 - B. Prendre la somme fixée pour le conseil au tableau 1 du règlement sur les subventions.
 - C. Diviser la somme visée à la sous-sous-disposition B par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
 - D. Multiplier le résultat obtenu en application de la sous-sous-disposition C par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
 - E. Additionner les sommes calculées en application des sous-sous-dispositions A et D.
- iii. Additionner la somme visée à la sous-disposition i et la somme calculée en application de la sous-disposition ii.
4. Dans le cas d'un conseil scolaire de district de langue française, calculer la part de l'élément enseignement des langues qui vise les élèves du secondaire, de la manière suivante :
 - i. Multiplier 666 \$ par l'effectif quotidien moyen de jour du conseil, en ne comptant que ses élèves du secondaire.
 - ii. Diviser le niveau de financement des programmes d'ALF pour le conseil pour l'exercice, calculé en application de l'article 28 du règlement sur les subventions, par le nombre total de modules scolaires de l'élémentaire et du secondaire aux fins de l'ALF pour l'exercice, calculé pour le conseil en application de cet article. Multiplier le résultat par le nombre total de modules scolaires du secondaire aux fins de l'ALF.
 - iii. Calculer la part du niveau de financement des programmes de PDF pour le conseil pour l'exercice, calculé en application de l'article 28 du règlement sur les subventions, qui vise les élèves du secondaire du conseil.
 - iv. Additionner les sommes calculées en application des sous-dispositions i, ii et iii.
5. Additionner la part de la somme liée aux petites écoles pour le conseil pour l'exercice, calculée en application de l'article 29 du règlement sur les subventions, qui vise les écoles secondaires du conseil et la somme liée aux directeurs d'école secondaire pour le conseil pour l'exercice, calculée en application de cet article.
6. Calculer la part de l'élément conseils ruraux et éloignés qui vise les élèves du secondaire, de la manière suivante :
 - i. Diviser l'élément conseils ruraux et éloignés du conseil pour l'exercice, calculé en application de l'article 30 du règlement sur les subventions, par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
 - ii. Multiplier la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
7. Calculer la part de l'élément programmes d'aide à l'apprentissage qui vise les élèves du secondaire, de la manière suivante :
 - i. Prendre le total de ce qui suit :
 - A. la somme indiquée à la colonne 2 du tableau 4 du règlement sur les subventions en regard du nom du conseil,
 - B. la somme calculée pour le conseil en application de la disposition 4 du paragraphe 32 (4) du règlement sur les subventions,
 - C. 138 900 \$.
 - ii. Diviser la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
 - iii. Multiplier la somme calculée en application de la sous-disposition ii par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
 - iv. Prendre le total de ce qui suit :
 - A. la somme calculée pour le conseil en application de la disposition 1 du paragraphe 32 (4) du règlement sur les subventions,
 - B. la somme calculée pour le conseil en application de la disposition 6 du paragraphe 32 (4) du règlement sur les subventions,
 - v. Additionner les sommes calculées en application des sous-dispositions iii et iv.

8. Prendre la part de l'élément compétence et expérience des enseignants du secondaire du conseil pour l'exercice, calculé en application de l'article 33 du règlement sur les subventions.
9. Calculer la part de l'élément administration et gestion qui vise les élèves du secondaire, de la manière suivante :
 - i. Diviser la part de l'élément administration et gestion du conseil pour l'exercice, calculé en application de l'article 36 du règlement sur les subventions, par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
 - ii. Multiplier la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
10. Calculer la part de la portion fonctionnement des écoles de l'élément installations d'accueil pour les élèves qui vise les élèves du secondaire, en multipliant par le coût repère de fonctionnement de 58,56 \$ le mètre carré :
 - i. soit la superficie redressée des écoles secondaires requise pour le conseil calculée en application de l'article 37 du règlement sur les subventions, si un facteur relatif à la superficie supplémentaire des écoles secondaires est approuvé pour le conseil en application de cet article,
 - ii. soit la superficie des écoles secondaires requise pour le conseil calculée en application de l'article 37 du règlement sur les subventions si aucun facteur relatif à la superficie supplémentaire des écoles secondaires n'est approuvé pour le conseil en application de cet article.
11. Prendre la somme complémentaire totale liée au fonctionnement des écoles secondaires du conseil pour l'exercice, calculée en application de l'article 37 du règlement sur les subventions.
12. Calculer la part de la somme liée au redressement pour baisse des effectifs du conseil qui vise les élèves du secondaire, de la manière suivante :
 - i. Diviser la somme liée au redressement pour baisse des effectifs du conseil, le cas échéant, calculée en application de l'article 39 du règlement sur les subventions, par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
 - ii. Multiplier la somme calculée en application de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
13. Additionner les sommes calculées pour le conseil en application des dispositions 1 à 12.
14. Déduire de la somme calculée pour le conseil en application de la disposition 13 la part des économies liées au R.R.E.M.O. du conseil, au sens de l'article 1 du règlement sur les subventions, qu'il attribue raisonnablement aux élèves du secondaire et diviser le résultat par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.

(5) Pour l'application des paragraphes (3) et (4), le total de la part des économies liées au R.R.E.M.O. du conseil qu'il attribue aux élèves de l'élémentaire et de celle qu'il attribue à ceux du secondaire ne doit pas dépasser les économies liées au R.R.E.M.O. du conseil, au sens de l'article 1 du règlement sur les subventions.

(6) Les droits de base relatifs à un élève inscrit à une école qui relève d'un conseil isolé sont calculés de la manière suivante :

1. Prendre les dépenses approuvées du conseil au sens du paragraphe 46 (1) du règlement sur les subventions.
2. Déduire la part des dépenses approuvées visées à la disposition 1 qui se rapporte au transport des élèves.
3. Déduire la part des dépenses approuvées visées à la disposition 1 qui se rapporte à la réfection des écoles.
4. Diviser la somme obtenue en application de la disposition 3 par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.

(7) Les droits exigibles à l'égard de l'élève visé au paragraphe (1) qui est inscrit à un programme de langue autochtone dans une école qui relève d'un conseil scolaire de district et que celui-ci peut recevoir d'une entité visée à l'alinéa (1) a) ou b) peuvent être augmentés, au choix du conseil scolaire de district, d'une somme égale à la fraction de la somme liée aux programmes de langue autochtone qui serait versée pour l'élève s'il s'agissait d'un élève du conseil, calculée conformément à l'article 24 du règlement sur les subventions.

(8) Les droits exigibles à l'égard de l'élève visé au paragraphe (1) qui est inscrit à un programme à coût élevé peuvent être augmentés, au choix du conseil, pour correspondre à la somme calculée en multipliant les droits qui seraient par ailleurs payables :

- a) soit par le facteur dont conviennent le conseil qui dispense l'enseignement et la partie qui doit payer ces droits;
- b) soit par le facteur fixé de la manière visée au paragraphe (9) si le conseil et la partie ne peuvent en convenir d'aucun.

(9) Si le conseil qui dispense l'enseignement et la partie qui doit payer les droits ne peuvent s'entendre sur le facteur à utiliser, celui-ci est fixé par trois arbitres, nommés de la manière suivante :

1. Un arbitre nommé par le conseil qui dispense l'enseignement.
2. Un arbitre nommé par la partie qui doit payer les droits.
3. Un arbitre nommé par les arbitres nommés en application des dispositions 1 et 2.

(10) La décision des arbitres ou de la majorité d'entre eux est définitive et lie le conseil qui dispense l'enseignement et la partie qui doit payer les droits.

(11) Le présent article ne s'applique pas à l'égard des élèves auxquels s'applique le paragraphe 49 (6) de la Loi.

Droits imposés aux parties qui résident en Ontario

4. (1) Le présent article s'applique à l'égard de l'élève visé au paragraphe 46 (2) de la Loi qui est inscrit à un programme scolaire de jour dans une école d'un conseil scolaire de district ou d'un conseil isolé et qui réside sur un bien-fonds où réside son père, sa mère ou son tuteur, qui est exonéré d'impôts aux fins d'un conseil quelconque et qui est situé dans une circonscription scolaire, une zone d'écoles séparées ou un district d'écoles secondaires.

(2) Les droits qu'un conseil impose à l'égard d'un élève visé au paragraphe (1) à son père, à sa mère ou à son tuteur sont de 40 \$ pour chaque mois ou fraction de mois où il est inscrit à une école du conseil.

(3) Le conseil qui impose à un père, à une mère ou à un tuteur des droits de 40 \$ pour un mois ou une fraction de mois en application du paragraphe (2) à l'égard de l'élève visé au paragraphe (1) qui est inscrit à une de ses écoles ne doit pas imposer de droits au père, à la mère ou au tuteur en application de ce paragraphe pour le même mois ou la même fraction de mois à l'égard d'un autre élève visé au paragraphe (1) qui est inscrit à une de ses écoles.

(4) Le présent article ne s'applique pas à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi.

Droits imposés aux parties qui ne résident pas en Ontario

5. (1) Les droits exigibles à l'égard de l'élève qui est inscrit à un programme scolaire de jour dans une école d'un conseil scolaire de district ou d'un conseil isolé et dont le père, la mère ou le tuteur ne réside pas en Ontario correspondent à une somme que fixe le conseil, laquelle ne dépasse pas les droits maximaux calculés en application du paragraphe (2) ou (3).

(2) Sauf dans le cas prévu au paragraphe (3), les droits maximaux correspondent à la somme calculée de la manière suivante :

1. Additionner les droits de base calculés pour l'élève en application du paragraphe 3 (3), (4) ou (6), selon le cas, et les frais de pension de l'élève.
2. Multiplier la somme obtenue en application de la disposition 1 par 0,1.
3. Multiplier le résultat obtenu en application de la disposition 2 par le nombre de mois ou de fractions de mois où l'élève est inscrit à une école qui relève du conseil.

(3) Si l'élève est inscrit à un programme à coût élevé, les droits maximaux correspondent au total de la somme calculée en application du paragraphe (2) et d'une somme supplémentaire que fixe le conseil, laquelle ne dépasse pas le coût supplémentaire assumé par le conseil pour dispenser le programme à cet élève.

(4) Le présent article ne s'applique pas à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi.

Droits versés aux conseils créés en vertu de l'art. 68

6. (1) Les droits exigibles à l'égard de l'élève qui est inscrit à un programme scolaire de jour dans une école qui relève d'un conseil créé en vertu de l'article 68 et dont le père, la mère ou le tuteur ne réside pas en Ontario correspondent à la somme calculée de la manière suivante :

1. Prendre les dépenses du conseil pour l'exercice que le ministre juge acceptables aux fins des subventions, à l'exclusion de ce qui suit :
 - i. les dépenses liées au service de la dette,
 - ii. les dépenses liées à l'acquisition d'immobilisations calculées en application du règlement sur les subventions,
 - iii. les dépenses liées à la restauration d'immobilisations qui ont été détruites ou qui sont endommagées, calculées en application du règlement sur les subventions,
 - iv. les provisions pour réserves pour fonds de roulement et celles pour fonds de réserve.
2. Déduire les recettes de l'exercice du conseil provenant de ce qui suit :
 - i. un organisme sur le bien duquel se trouve une école du conseil,
 - ii. les remboursements de dépenses du genre visé à la sous-disposition 1 i, ii ou iii.
3. Calculer le nombre de jours-élève pour la période allant du 1^{er} septembre 2003 au 31 août 2004 en additionnant, à l'égard de chaque journée d'enseignement de cette période, le nombre d'élèves inscrits aux écoles du conseil qui reçoivent un enseignement ce jour-là.

4. Diviser la somme obtenue en application de la disposition 2 par le nombre total de jours-élève calculé en application de la disposition 3.
 5. Multiplier le résultat obtenu en application de la disposition 3 par le nombre de journées d'enseignement pour lesquelles l'élève est inscrit à une école du conseil pendant la même période.
- (2) Le présent article ne s'applique pas à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi.

Droits exigibles : élèves auxquels s'applique le par. 49 (6) de la Loi

7. (1) Les droits exigibles à l'égard de l'élève qui est inscrit à un programme scolaire de jour et auquel s'applique le paragraphe 49 (6) de la Loi correspondent à la somme calculée conformément à la politique relative aux droits que le conseil dont relève l'école à laquelle est inscrit l'élève élabore pour l'application du présent article.

(2) La politique du conseil relative aux droits ne doit pas autoriser l'imposition, à l'égard d'un élève de l'élémentaire, de droits qui sont inférieurs à la somme qui serait calculée conformément au paragraphe 3 (2) à l'égard d'un tel élève, si ce paragraphe s'était appliqué à l'élève et que le paragraphe 49 (6) de la Loi ne s'était pas appliqué à lui.

(3) La politique du conseil relative aux droits ne doit pas autoriser l'imposition, à l'égard d'un élève du secondaire, de droits qui sont inférieurs à la somme qui serait calculée conformément au paragraphe 3 (2) à l'égard d'un tel élève, si ce paragraphe s'était appliqué à l'élève et que le paragraphe 49 (6) de la Loi ne s'était pas appliqué à lui.

Droits exigibles : cours d'été et cours d'éducation permanente

8. (1) Les droits exigibles à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi et qui est inscrit à un cours d'été ou à une classe ou un cours d'éducation permanente offert par un conseil scolaire de district ou un conseil isolé correspondent à la somme calculée par le conseil.

(2) Les droits visés au paragraphe (1) exigibles à l'égard d'un élève qui est inscrit à une classe ou un cours d'éducation permanente offert par le conseil ne doivent pas être inférieurs aux droits calculés en appliquant les dispositions 1 à 3 du paragraphe (4).

(3) Les droits visés au paragraphe (1) exigibles à l'égard d'un élève qui est inscrit à un cours d'été offert par le conseil ne doivent pas être inférieurs aux droits calculés en appliquant les dispositions 1 à 3 du paragraphe (5).

(4) Les droits exigibles à l'égard de l'élève visé au paragraphe 3 (1) ou 5 (1) qui est inscrit à une classe ou un cours d'éducation permanente offert par un conseil scolaire de district ou un conseil isolé correspondent à la somme convenue par le conseil et la partie qui doit payer les droits ou, en l'absence d'entente, à la somme calculée de la manière suivante :

1. Calculer les dépenses que le conseil a engagées au cours de l'exercice au titre des classes ou des cours d'éducation permanente.
2. Diviser la somme calculée en application de la disposition 1 par l'effectif quotidien moyen des cours d'éducation permanente du conseil.
3. Multiplier le résultat obtenu en application de la disposition 2 par l'effectif quotidien moyen des cours d'éducation permanente du conseil, en ne comptant que les élèves visés au présent paragraphe.

(5) Les droits exigibles à l'égard de l'élève visé au paragraphe 3 (1) ou 5 (1) qui est inscrit à une classe ou un cours d'été offert par un conseil scolaire de district ou un conseil isolé correspondent à la somme convenue par le conseil et la partie qui doit payer les droits ou, en l'absence d'entente, à la somme calculée de la manière suivante :

1. Calculer les dépenses que le conseil a engagées au cours de l'exercice au titre des classes ou des cours d'été.
2. Diviser la somme calculée en application de la disposition 1 par l'effectif quotidien moyen des cours d'été du conseil.
3. Multiplier le résultat obtenu en application de la disposition 2 par l'effectif quotidien moyen des cours d'été du conseil, en ne comptant que les élèves visés au présent paragraphe.

Interdiction des paiements de droits de conseil à conseil

9. Aucun conseil n'est tenu de payer des droits à un autre conseil en application du présent règlement.

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 3 avril 2003.

ONTARIO REGULATION 139/03

made under the

EDUCATION ACT

Made: April 9, 2003

Filed: April 11, 2003

STUDENT FOCUSED FUNDING — LEGISLATIVE GRANTS FOR THE 2003-2004 SCHOOL BOARD FISCAL YEAR

PART I GENERAL

Interpretation

1. (1) This Regulation applies to boards for the 2003-2004 fiscal year and to governing authorities in respect of payments for the period from September 1, 2003 to August 31, 2004.

(2) In this Regulation,

“2003-2004 A.D.E. regulation” means Ontario Regulation 137/03; (“règlement sur l’effectif quotidien moyen de 2003-2004”)

“2003-2004 fees regulation” means Ontario Regulation 138/03; (“règlement sur les droits de 2003-2004”)

“2003-2004 fiscal year” means the fiscal year from September 1, 2003 to August 31, 2004; (“exercice 2003-2004”)

“ALF” stands for actualisation linguistique en français; (“ALF”)

“capital asset” means,

- (a) a school site that provides or is capable of providing pupil accommodation and an addition or improvement to such a school site,
- (b) a school building, fixture of a school building or fixture of school property, and an addition, alteration, renovation or major repair to a school building, fixture of a school building or fixture of school property,
- (c) furniture and equipment to be used in school buildings,
- (d) library materials for the initial equipping of a library in a school building,
- (e) an installation on school property to supply a school building on the property with water, sewer, septic, electrical, heating, cooling, natural gas, telephone or cable services, and an alteration, replacement or major repair to the installation, and
- (f) changes to the level, drainage or surface of school properties; (“immobilisation”)

“combined kindergarten program” means a program operated on a five-day cycle that consists of 600 minutes of junior kindergarten for those pupils who are enrolled in the junior kindergarten part of the program and 900 minutes of kindergarten for those pupils who are enrolled in the kindergarten part of the program; (“programme combiné de maternelle et de jardin d’enfants”)

“cycle” has the same meaning as in the 2003-2004 A.D.E. regulation; (“horaire”)

“designated board associated with an old board” means the district school board that is listed in Column 2 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in Column 1 of that Schedule; (“conseil désigné rattaché à un ancien conseil”)

“elementary school pupil” means a pupil who is enrolled in any of junior kindergarten, kindergarten and grades 1 to 8; (“élève de l’élémentaire”)

“ESD” stands for English skills development; (“ESD”)

“ESL” stands for English as a second language; (“ESL”)

“full-time pupil” has the same meaning as in the 2003-2004 A.D.E. regulation; (“élève à temps plein”)

“half-time pupil” has the same meaning as in the 2003-2004 A.D.E. regulation; (“élève à mi-temps”)

“independent study course” has the same meaning as in the 2003-2004 A.D.E. regulation; (“cours d’études personnelles”)

“ISA” stands for intensive support amount; (“AAS”)

“isolate board” is a school authority other than a section 68 board; (“conseil isolé”)

“local priorities amount” means, in respect of a district school board for the fiscal year, the amount determined by multiplying the 2003-2004 day school average daily enrolment of pupils of the board by \$200; (“somme liée aux priorités locales”)

“old board” does not include,

- (a) The Board of Education for the Borough of East York,
- (b) The Board of Education for the City of Etobicoke,
- (c) The Board of Education for the City of North York,
- (d) The Board of Education for the City of Scarborough,
- (e) The Board of Education for the City of Toronto,
- (f) The Board of Education for the City of York, or
- (g) The Metropolitan Toronto French-Language School Council; (“ancien conseil”)

“OMERS savings” means, with respect to a board, the savings for the board for the 2003-2004 school year as a result of the suspension of employer contributions normally payable to the Ontario Municipal Employees Retirement Fund on behalf of the board’s employees who are members of the Ontario Municipal Employees Retirement System; (“économies liées au R.R.E.M.O.”)

“part-time pupil” has the same meaning as in the 2003-2004 A.D.E. regulation; (“élève à temps partiel”)

“PDF” stands for perfectionnement du français; (“PDF”)

“revenue from other sources” means, with respect to a district school board, the revenue of the board other than,

- (a) the amount of grants payable to the board under this Regulation,
- (b) the amount that would be the board’s 2003-2004 tax revenue amount if no amount were required to be deducted under paragraph 2 or 3 of subsection 12 (1), and
- (c) any amount transferred from reserve funds; (“recettes provenant d’autres sources”)

“secondary school pupil” means a pupil who is enrolled in any of grades 9 to 12 or in a course leading to an OAC credit; (“élève du secondaire”)

“section 68 board” is a board established under section 68 of the Act; (“conseil créé en vertu de l’article 68”)

“supported board associated with an old board” means the district school board that is listed in Column 3 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in Column 1 of that Schedule; (“conseil secondé rattaché à un ancien conseil”)

“unextended old board” means an old board to which subsection 4 (1) of Ontario Regulation 78/97 applied. (“ancien conseil non parachevé”)

Pupil of a board

2. (1) Subject to subsections (2) to (5), for the purposes of this Regulation, a pupil is a pupil of a board if he or she is enrolled in a school operated by the board.

(2) A pupil who receives instruction in an education program provided by a board in a facility described or mentioned in subsection 20 (3) is not a pupil enrolled in a school operated by the board for the purposes of subsection (1).

(3) Subsection (4) applies if,

- (a) the area of jurisdiction of a separate district school board includes all or part of the area that was, immediately before January 1, 1998, the area of jurisdiction of an unextended old board;
- (b) the separate district school board does not operate a secondary school in the area that was, immediately before January 1, 1998, the area of jurisdiction of the unextended old board; and
- (c) the separate district school board has entered into a purchase of services agreement with a public board to provide instruction, in schools located in the area that was, immediately before January 1, 1998, the area of jurisdiction of the unextended old board, to secondary school pupils who are qualified to be resident pupils of the separate board.

(4) For the purposes of this Regulation, pupils receiving instruction under an agreement referred to in clause (3) (c) are pupils of the separate district school board and are not pupils of the public board.

(5) For the purposes of this Regulation, the following are not pupils of a board even if they are enrolled in a school of the board:

- 1. A pupil who is a registered Indian residing on a reserve within the meaning of the *Indian Act* (Canada).
- 2. A pupil who is liable to pay fees as specified in subsection 49 (6) of the Act.

3. A pupil in respect of whom the board may charge a fee under section 5 of the 2003-2004 fees regulation.

Enrolment

3. (1) For the purposes of this Regulation, the 2003-2004 day school average daily enrolment of pupils of a board is the day school average daily enrolment for the board determined under section 2 of the 2003-2004 A.D.E. regulation, counting only pupils of the board other than secondary school pupils who are at least 21 years of age on December 31, 2003.

(2) For the purposes of this Regulation, the 2003-2004 day school average daily enrolment of elementary school pupils of a board is the day school average daily enrolment for the board determined under section 2 of the 2003-2004 A.D.E. regulation, counting only the elementary school pupils of the board.

(3) For the purposes of this Regulation, the 2003-2004 day school average daily enrolment of secondary school pupils of a board is the day school average daily enrolment for the board determined under section 2 of the 2003-2004 A.D.E. regulation, counting only secondary school pupils of the board who are under 21 years of age on December 31, 2003.

(4) For the purposes of this Regulation, the day school full-time equivalent enrolment for a board as of October 31, 2003 is determined using the formula,

$$A + B + C/D$$

in which,

“A” is the number of full-time pupils of the board enrolled on October 31, 2003, excluding secondary school pupils who are at least 21 years of age on December 31, 2003,

“B” is the amount equal to 0.5 times the number of half-time pupils of the board enrolled on October 31, 2003,

“C” is the total of all amounts each of which is an amount determined for a part-time pupil of the board enrolled on October 31, 2003, other than a secondary school pupil who is at least 21 years of age on December 31, 2003, equal to the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes October 31, 2003, in a course other than an independent study course, and

“D” is the amount determined by multiplying the number of days in the cycle described in the definition of “C” by 300.

(5) If this Regulation requires that pupils be counted but does not provide that the count be on the basis of average daily enrolment or on the basis of full-time equivalent enrolment, each pupil, whether full-time, half-time or part-time, must be counted as one.

Level of accuracy

4. (1) A count of pupils for the purposes of this Regulation on the basis of average daily enrolment or on the basis of full-time equivalent enrolment must be accurate to two decimal places.

(2) A count of teachers or teacher assistants for the purposes of this Regulation on the basis of full-time equivalence must be accurate to one decimal place.

Legislative grants

5. (1) The legislative grant payable for the fiscal year to a district school board is the amount calculated under Part II.

(2) The legislative grant payable for the fiscal year to an isolate board is the amount calculated under section 46.

(3) The legislative grant payable for the fiscal year to a section 68 board is the amount calculated under section 47.

Payments

6. A legislative grant payable under this Regulation is paid on an estimated basis during the fiscal year and such adjustments as may be necessary must be made after the actual financial, enrolment and other data are available.

Conditions for grant

7. (1) It is a condition of the payment of a grant to a board under this Regulation that the board comply with all Acts administered by the Minister and with all regulations, policies, guidelines, directives and similar instruments made under an Act administered by the Minister.

(2) If a board contravenes an Act administered by the Minister or a regulation, policy, guideline, directive or similar instrument made under an Act administered by the Minister, the Minister may withhold all or part of a grant otherwise payable to the board under the Act.

(3) Without limiting the generality of subsection (2), if a board contravenes subsection 170.2 (2) or 170.2.1 (2) of the Act, the Minister may withhold all or part of a grant otherwise payable to the board under the Act.

Adjusting overpayment

8. (1) If the amount payable to a board under a legislative grant regulation was overpaid and the overpayment has not been deducted from grants payable to the board under other legislative grant regulations, the overpayment must be deducted from the grants payable under this Regulation to the board.

(2) If an amount payable to an old board under a legislative grant regulation was overpaid and the overpayment has not been deducted from grants payable under other legislative grant regulations to the designated board associated with the old board or the supported board associated with the old board, the overpayment must be deducted from the grants payable under this Regulation to that designated board and supported board, in accordance with the appropriate distribution ratios as determined under the directives published in September, 1997 by the Education Improvement Commission and entitled "Directives for the Distribution of Assets and Liabilities Among District School Boards".

Adjusting underpayment

9. (1) If the amount payable to a board under a legislative grant regulation was underpaid, the amount of the underpayment that has not previously been paid must be added to the grants payable under this Regulation to the board.

(2) If an amount payable to an old board under a legislative grant regulation was underpaid, the amount of the underpayment that has not previously been paid must be added to the grants payable under this Regulation to the designated board associated with the old board or to the supported board associated with the old board, in accordance with the appropriate distribution ratios as determined under the directives published in September, 1997 by the Education Improvement Commission and entitled "Directives for the Distribution of Assets and Liabilities Among District School Boards".

PART II GRANTS TO DISTRICT SCHOOL BOARDS

Grant allocations

10. (1) A district school board is entitled to the following grant allocations, in the amounts determined under this Part, in determining the amount of the grant payable to it for the fiscal year:

1. Foundation allocation.
2. Special education allocation.
3. Language allocation.
4. Small schools allocation.
5. Remote and rural allocation.
6. Learning opportunities allocation.
7. Continuing education and other programs allocation.
8. Teacher qualification and experience allocation.
9. Early learning allocation.
10. Transportation allocation.
11. Administration and governance allocation.
12. Pupil accommodation allocation.
13. Debt charges allocation.

(2) For the purposes of this Part, an old board is a predecessor of a district school board if the district school board is listed in Column 2 or 3 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in Column 1 of that Schedule.

Amount of grant

11. The grant payable to a district school board for the fiscal year is the amount determined using the following formula:

$$(A + B) - (C + D + E + F)$$

in which,

"A" is the total amount of the grant allocations to which the board is entitled for the fiscal year,

"B" is the amount of the board's adjustment for declining enrolment for the fiscal year,

"C" is the amount of the board's 2003-2004 tax revenue, as determined in this Regulation,

"D" is the amount of the OMERS savings for the board,

"E" is the amount of the board's total fees revenue for the fiscal year in respect of pupils described in subsection 46 (2) of the Act, as determined under section 4 of the 2003-2004 fees regulation, and

"F" is the amount of the board's reserve fund under subsection 233 (1) of the Act on August 31, 2004 before the transfer under subsection 233 (2) of the Act.

2003-2004 tax revenue

12. (1) The 2003-2004 tax revenue of a district school board is determined as follows:

1. Add,

i. 38 per cent of the sum of,

- A. the total of the amounts distributed to the board in respect of the 2003 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the *Education Act*, under sections 447.20 and 447.52 of the *Municipal Act* as made applicable by section 474 of the *Municipal Act, 2001*, under subsections 353 (4), 364 (22) and 365.2 (16) of the *Municipal Act, 2001*, under section 10 of Ontario Regulation 509/98 and under subsection 13 (2) of Ontario Regulation 3/02,
- B. the amounts, if any, referred to in subsection 364 (22) of the *Municipal Act, 2001*, as made applicable by section 257.12.3 of the *Education Act*, that are paid to the board in respect of the 2003 calendar year,
- C. the total of all amounts, if any, paid to the board in respect of the 2003 calendar year by a municipality under subsection 353 (4) or 366 (3) of the *Municipal Act, 2001*,
- D. the amounts, if any, applied by the board against the cancellation price of land sold for tax arrears in the 2003 calendar year under section 380 of the *Municipal Act, 2001*, as made applicable by subsection 371 (2) of that Act,
- E. the payments in lieu of taxes distributed to the board in respect of the 2003 calendar year under subsection 322 (1) of the *Municipal Act, 2001*,
- F. the grants, if any, made to the board in respect of the 2003 calendar year under subsection 302 (2) of the *Municipal Act, 2001*, and
- G. the amounts, if any, received by the board in respect of the 2003 calendar year under the *Payments in Lieu of Taxes Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property, and

ii. 62 per cent of the sum of,

- A. the total of the amounts distributed to the board in respect of the 2004 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the *Education Act*, under sections 447.20 and 447.52 of the *Municipal Act* as made applicable by section 474 of the *Municipal Act, 2001*, under subsections 353 (4), 364 (22) and 365.2 (16) of the *Municipal Act, 2001*, under section 10 of Ontario Regulation 509/98 and under subsection 13 (2) of Ontario Regulation 3/02,
- B. the amounts, if any, referred to in subsection 364 (22) of the *Municipal Act, 2001*, as made applicable by section 257.12.3 of the *Education Act*, that are paid to the board in respect of the 2004 calendar year,
- C. the total of all amounts, if any, paid to the board in respect of the 2004 calendar year by a municipality under subsection 353 (4) or 366 (3) of the *Municipal Act, 2001*,
- D. the amounts, if any, applied by the board against the cancellation price of land sold for tax arrears in the 2004 calendar year under section 380 of the *Municipal Act, 2001*, as made applicable by subsection 371 (2) of that Act,
- E. the payments in lieu of taxes distributed to the board in respect of the 2004 calendar year under subsection 322 (1) of the *Municipal Act, 2001*,
- F. the grants, if any, made to the board in respect of the 2004 calendar year under subsection 302 (2) of the *Municipal Act, 2001*, and
- G. the amounts, if any, received by the board in respect of the 2004 calendar year under the *Payments in Lieu of Taxes Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property,

iii. the total of the taxes received by the board in respect of the 2003 calendar year under section 35 of the *Assessment Act*,

iv. the total of the amounts, if any, distributed to the board in the fiscal year under subsection 2 (2) of Ontario Regulation 365/98, and

- v. the total of the amounts, if any, paid to the board in the fiscal year under clause 3 (1) (a) of Ontario Regulation 366/98.
- 2. If the board is required to levy taxes for school purposes in respect of property in territory without municipal organization, deduct the sum of,
 - i. \$50,000,
 - ii. 0.76 per cent of the total of the amount of those taxes levied for school purposes for the 2003 calendar year and the amount of the tax imposed by section 21.1 of the *Provincial Land Tax Act* that is levied by the board for that year, and
 - iii. 1.24 per cent of the total of the taxes described in subparagraph ii that are levied by the board for the 2004 calendar year.
- 3. Deduct the costs for which the board is responsible under the *Municipal Elections Act, 1996* that are incurred in the fiscal year to conduct elections of members in territory without municipal organization that is deemed to be a district municipality for the purposes of clause 257.12 (3) (a) of the *Education Act*.
- 4. Deduct the amounts charged to the board in the 2003 calendar year by a municipal council under section 353 of the *Municipal Act, 2001*, including amounts charged under that section as a result of private legislation.
- 5. Deduct the total of the amounts rebated, paid or credited by the board under sections 257.2.1 and 257.12.3 of the Act in the fiscal year.
- 6. Deduct 38 per cent of the total of the amounts, if any, paid by the board in respect of the 2003 calendar year under subsections 361 (7), 364 (11), 365 (3), 365.1 (13) to (15) and (17) to (19) and 365.2 (8) of the *Municipal Act, 2001*.
- 7. Deduct 62 per cent of the total of the amounts, if any, paid by the board in respect of the 2004 calendar year under subsections 361 (7), 364 (11), 365 (3), 365.1 (13) to (15) and (17) to (19) and 365.2 (8) of the *Municipal Act, 2001*.
- (2) For the purposes of determining the amount of a district school board's 2003-2004 tax revenue, the following rules apply:
 - 1. All amounts, if any, paid by the Minister to the board in respect of the 2003 calendar year under section 257.10.1 or 257.11 of the Act are deemed to be amounts distributed to the board in respect of the 2003 calendar year under a provision of the Act referred to in sub-subparagraph 1 i A of subsection (1).
 - 2. All amounts, if any, paid by the Minister to the board in respect of the 2004 calendar year under section 257.10.1 or 257.11 of the Act are deemed to be amounts distributed to the board in respect of the 2004 calendar year under a provision of the Act referred to in sub-subparagraph 1 ii A of subsection (1).

Foundation allocation

- 13. (1) The amount of the foundation allocation for a district school board for the fiscal year is the sum of the board's base amount for the fiscal year and the board's local priorities amount for the year.
- (2) The board's base amount for the fiscal year is the total of the following amounts:
 - 1. The amount determined by multiplying the 2003-2004 day school average daily enrolment of elementary school pupils of the board by \$3,685.
 - 2. The amount determined by multiplying the 2003-2004 day school average daily enrolment of secondary school pupils of the board by \$4,481.

Special education allocation

- 14. The amount of the special education allocation for a district school board for the fiscal year is the total of the following amounts:
 - 1. The enrolment-based special education amount for the board for the fiscal year.
 - 2. The ISA level 1, level 2 and level 3 claims for the board for the fiscal year.
 - 3. The special incidence ISA claims for the board for the fiscal year after any adjustments required under section 21.
 - 4. The programs in facilities amount for the board for the fiscal year.

Enrolment-based special education amount

- 15. The enrolment-based special education amount for a board for the fiscal year is determined as follows:
 - 1. Multiply the 2003-2004 day school average daily enrolment of elementary school pupils of the board, counting only pupils enrolled in junior kindergarten, kindergarten and grades 1 to 3, by \$562 to determine the enrolment-based special education amount for junior kindergarten to grade 3.

2. Multiply the 2003-2004 day school average daily enrolment of elementary school pupils of the board, counting only pupils enrolled in grades 4 to 8, by \$424 to determine the enrolment-based special education amount for grades 4 to 8.
3. Multiply the 2003-2004 day school average daily enrolment of secondary school pupils of the board by \$274 to determine the enrolment-based special education amount for secondary schools.
4. Total the amounts determined under paragraphs 1, 2 and 3 to determine the board's enrolment-based special education amount for the fiscal year.

ISA level 1

16. (1) For the purposes of subsection (2), an ISA level 1 claim for a pupil of a district school board is an approved claim if,

- (a) the board has designated the pupil as an ISA level 1 pupil in accordance with the Ministry publication entitled "Intensive Support Amount (ISA) Guidelines for School Boards, Spring 2001" and the Minister has approved the designation; and
- (b) the board has made an ISA level 1 claim for the fiscal year for expenditures in excess of \$800 for special equipment for the pupil, in accordance with the publication mentioned in clause (a), and the Minister has approved the claim.

(2) The ISA level 1 claim for a board for the fiscal year is the sum of all approved ISA level 1 claims for pupils of the board, after any adjustment required under section 21.

ISA level 2

17. (1) For the purposes of subsection (2), an ISA level 2 claim for a pupil of a district school board is an approved claim if,

- (a) the pupil is enrolled, on October 31, 2003, in a school operated by the board; and
- (b) in the opinion of the Minister the pupil meets the eligibility criteria for ISA level 2 claims set out in the Ministry publication entitled "Addendum — ISA Guidelines, 2001-02".

(2) The ISA level 2 claim for a board for the fiscal year is determined by multiplying the number of all approved ISA level 2 claims for pupils of the board by \$12,000.

ISA level 3

18. (1) For the purposes of subsection (2), an ISA level 3 claim for a pupil of a district school board is an approved claim if,

- (a) the pupil is enrolled, on October 31, 2003, in a school operated by the board; and
- (b) in the opinion of the Minister the pupil meets the eligibility criteria for ISA level 3 claims set out in the Ministry publication entitled "Addendum — ISA Guidelines, 2001-02".

(2) The ISA level 3 claim for a board for the fiscal year is determined by multiplying the number of all approved ISA level 3 claims for pupils of the board by \$27,000.

Special incidence ISA

19. A special incidence ISA claim for a pupil of a board is an approved special incidence ISA claim for the pupil if,

- (a) the board has designated the pupil as a pupil requiring special incidence funding in accordance with the Ministry publication entitled "Intensive Support Amount (ISA) Guidelines for School Boards, Spring 2001" and the Minister has approved the designation; and
- (b) the board has made a special incidence ISA claim for the pupil for the fiscal year in an amount not exceeding \$27,000, in accordance with the publication mentioned in clause (a), and the Minister has approved the claim.

Programs in facilities amount

20. (1) The programs in facilities amount for a board for the fiscal year is the total of all amounts each of which is an amount for a qualifying education program provided by the board in a facility listed in subsection (3).

(2) An education program provided by the board in a facility listed in subsection (3) is a qualifying education program for the purposes of this section if the following conditions are satisfied:

1. The education program is provided by a teacher employed by the board.
2. No education program is provided by the Province in the facility.
3. The board has entered into a written agreement with the facility setting out,
 - i. the responsibilities of the facility for the provision of accommodation, and

- ii. the responsibilities of the board for the provision of the education program, including the number of teachers and teacher assistants to be employed by the board for the purposes of the program.
4. The Minister has approved the staffing plan for the program and is satisfied,
 - i. that the agreement referred to in paragraph 3 adequately sets out the responsibilities of the board and the facility, and
 - ii. that there is a need for the provision of the program by the board in the facility.
- (3) The following are facilities for the purposes of this section:
 1. A psychiatric facility.
 2. An approved charitable institution as defined in the *Charitable Institutions Act*.
 3. An agency approved under subsection 8 (1) of the *Child and Family Services Act*.
 4. A facility designated under the *Developmental Services Act*.
 5. A place of temporary detention, open custody or secure custody continued or established under section 89 of the *Child and Family Services Act*.
 6. A home for special care licensed under the *Homes for Special Care Act*.
 7. A hospital approved by the Minister.
 8. A nursing home operated under a licence issued under the *Nursing Homes Act*.
 9. A correctional institution as defined in the *Ministry of Correctional Services Act*.
 10. A place of temporary detention and a youth custody facility under the *Youth Criminal Justice Act* (Canada).
- (4) Subject to subsections (5) and (6), the amount for a qualifying education program is determined as follows:
 1. Determine the expenditure of the board in the fiscal year for salary and employee benefits of teachers employed by the board to provide the program. The amount determined under this paragraph shall not exceed the amount that could be expended by the board for salary and employee benefits of teachers under the staffing plan referred to in paragraph 4 of subsection (2).
 2. Multiply the number of full-time equivalent teachers employed by the board to provide the program by \$2,500. For the purposes of this paragraph, the counting practices usually followed by the board for staffing purposes are to be followed.
 3. Determine the expenditure of the board in the fiscal year for salary and employee benefits of teacher assistants employed by the board to assist teachers in providing the program. The amount determined under this paragraph shall not exceed the amount that could be expended by the board for salary and employee benefits of teacher assistants under the staffing plan referred to in paragraph 4 of subsection (2).
 4. Multiply the number of full-time equivalent teacher assistants employed by the board to assist teachers in providing the program by \$1,220. For the purposes of this paragraph, the counting practices usually followed by the board for staffing purposes are to be followed.
 5. Determine the expenditure of the board in the fiscal year for the purchase of furniture or equipment for any classroom used in the program. The amount determined for a classroom under this paragraph, added to the total of all amounts received for the classroom under similar provisions of previous legislative grant regulations, shall not exceed \$3,300 unless the board obtains the Minister's approval.
 6. Total the amounts determined under paragraphs 1 to 5.
- (5) Despite subsection (4), if the education program was previously provided in the facility by the Ministry, the amount for the qualifying education program for the fiscal year is the amount equal to the cost for the program that is proposed by the board and approved by the Minister and not the amount determined under subsection (4).
- (6) Despite subsections (4) and (5), the amount otherwise determined under this section for a qualifying education program must be reduced by the amount determined by the Minister to be appropriate having regard to the reasonable costs of the board in connection with the program, if the program,
 - (a) operates on a smaller scale than was projected in the materials submitted by the board for consideration by the Minister for the purposes of paragraph 4 of subsection (2);
 - (b) does not operate during the 2003-2004 school year; or
 - (c) ceases to operate during the 2003-2004 school year.
- (7) In giving approvals under this section, the Minister shall ensure that the total of the programs in facilities amounts calculated for all district school boards under this section for the fiscal year does not exceed \$74 million.

Special education pupil, move to new board

21. (1) Subsection (2) applies if,

- (a) special equipment has been purchased through an ISA level 1 claim approved for a district school board for the fiscal year or a prior fiscal year in respect of a pupil and the pupil enrolls during the fiscal year in a school that is operated by a different district school board or by a section 68 board; or
- (b) a section 68 board has made expenditures to purchase special equipment for a pupil of a district school board and the pupil enrolls during the fiscal year in a school operated by a different district school board.

(2) The special equipment referred to in subsection (1) must move with the pupil to the new board, unless in the opinion of the new board it is not practical to move the equipment.

(3) Subsection (4) applies if an ISA level 1 claim has been approved for a district school board in respect of a pupil and the pupil enrolls during the fiscal year in a school operated by a different district school board.

(4) Any unspent part of the ISA level 1 claim amount approved in respect of the pupil must be deducted from the amount determined under subsection 16 (2) for the former board and added to the amount determined under subsection 16 (2) for the new board.

(5) Subsection (6) applies if a pupil,

- (a) was a pupil approved for special incidence ISA funding in respect of a district school board; and
- (b) enrolls in a school operated by a different district school board after the end of the 2002-2003 school year.

(6) The total amount of the approved special incidence ISA claims for pupils of the board referred to in clause (5) (a) is reduced and the amount of the approved special incidence ISA claims for pupils of the board referred to in clause (5) (b) is increased to the extent, if any, that the Minister considers appropriate having regard to the costs of each board in the fiscal year in connection with providing the pupil's special education program.

Language allocation, English-language boards

22. The amount of the language allocation for an English-language district school board for the fiscal year is the sum of,

- (a) the French as a second language amount for the board for the fiscal year;
- (b) the Native language amount for the board for the fiscal year; and
- (c) the ESL/ESD amount for the board for the fiscal year.

French as a second language amount

23. (1) The French as a second language amount for an English-language district school board for the fiscal year is the sum of,

- (a) the French as a second language amount for elementary school pupils of the board; and
- (b) the French as a second language amount for secondary school pupils of the board.

(2) The French as a second language amount for elementary school pupils of a board is determined as follows:

- 1. Multiply \$244 by the number of pupils of the board enrolled in any of grades 4 to 8 who are scheduled on October 31, 2003 to take instruction in French for an average of 20 or more minutes but less than 60 minutes per school day.
- 2. Multiply \$278 by the number of pupils of the board enrolled in any of grades 4 to 8 who are scheduled on October 31, 2003 to take instruction in French for an average of 60 or more minutes but less than 150 minutes per school day.
- 3. Multiply \$311 by the number of pupils of the board enrolled in any of grades 1 to 8 who are scheduled on October 31, 2003 to take instruction in French for an average of 150 or more minutes per school day.
- 4. Multiply \$311 by the number of pupils of the board enrolled in junior kindergarten or kindergarten who are scheduled on October 31, 2003 to take instruction in French for an average of 75 minutes or more per school day.

5. Total the amounts determined under paragraphs 1 to 4.

(3) The French as a second language amount for secondary school pupils of a board is determined as follows:

- 1. Determine an amount for grade 9 and grade 10 instruction in the subject of French by multiplying \$62 by the sum of the amounts determined under the following subparagraphs:
 - i. Determine the credit value of each grade 9 course and grade 10 course in the subject of French that is taught on a non-semestered basis. Multiply the credit value by the number of pupils of the board enrolled in the course on October 31, 2003, excluding pupils who are at least 21 years of age on December 31, 2003.
 - ii. Determine the credit value of each grade 9 course and grade 10 course in the subject of French that is taught on a semestered basis. Multiply the credit value by the total of the number of pupils of the board enrolled in the

course on October 31, 2003 and the number of pupils of the board enrolled in the course on March 31, 2004, excluding pupils who are at least 21 years of age on December 31, 2003.

2. Determine an amount for grade 9 and grade 10 instruction in a subject other than French if the language of instruction is French by multiplying \$102 by the sum of the amounts determined under the following subparagraphs:
 - i. Determine the credit value of each grade 9 course and grade 10 course in a subject other than French that is taught in French on a non-semestered basis. Multiply the credit value by the number of pupils of the board enrolled in the course on October 31, 2003, excluding pupils who are at least 21 years of age on December 31, 2003.
 - ii. Determine the credit value of each grade 9 course and grade 10 course in a subject other than French that is taught in French on a semestered basis. Multiply the credit value by the total of the number of pupils of the board enrolled in the course on October 31, 2003 and the number of the pupils of the board enrolled in the course on March 31, 2004, excluding pupils who are at least 21 years of age on December 31, 2003.
3. Determine an amount for grade 11, 12 and OAC instruction in the subject of French by multiplying \$82 by the sum of the amounts determined under the following subparagraphs:
 - i. Determine the credit value of each grade 11 course, grade 12 course and OAC course in the subject of French that is taught on a non-semestered basis. Multiply the credit value by the number of pupils of the board enrolled in the course on October 31, 2003, excluding pupils who are at least 21 years of age on December 31, 2003.
 - ii. Determine the credit value of each grade 11 course, grade 12 course and OAC course in the subject of French that is taught on a semestered basis. Multiply the credit value by the total of the number of pupils of the board enrolled in the course on October 31, 2003 and the number of the pupils of the board enrolled in the course on March 31, 2004, excluding pupils who are at least 21 years of age on December 31, 2003.
4. Determine an amount for grade 11, 12 and OAC instruction in a subject other than French if the language of instruction is French by multiplying \$159 by the sum of the amounts determined under the following subparagraphs:
 - i. Determine the credit value of each grade 11 course, grade 12 course and OAC course in a subject other than French that is taught in French on a non-semestered basis. Multiply the credit value by the number of pupils of the board enrolled in the course on October 31, 2003, excluding pupils who are at least 21 years of age on December 31, 2003.
 - ii. Determine the credit value of each grade 11 course, grade 12 course and OAC course in a subject other than French that is taught in French on a semestered basis. Multiply the credit value by the total of the number of pupils of the board enrolled in the course on October 31, 2003 and the number of pupils of the board enrolled in the course on March 31, 2004, excluding pupils who are at least 21 years of age on December 31, 2003.
5. Total the amounts determined under paragraphs 1 to 4.

(4) In this section,

“course” means a course at the secondary level that is assigned a common course code in the list of common course codes published by the Ministry; (“cours”)

“credit value” means, in respect of a course in which a pupil is enrolled, the number of credits that the pupil is eligible to earn on successfully completing the course; (“valeur en crédits”)

“instruction in French” means instruction in the subject of French or instruction in any other subject if the language of instruction is French. (“enseignement en français”)

Native language amount

24. (1) The Native language amount for an English-language district school board or for a French-language district school board for the fiscal year is the total of the Native language amount for elementary school pupils of the board and the Native language amount for secondary school pupils of the board.

(2) The Native language amount for elementary school pupils of the board is the total of the amounts determined under the following paragraphs:

1. Multiply \$234 by the number of elementary school pupils of the board who, on October 31, 2003, are scheduled to take instruction in the subject of a Native language for an average of at least 20 minutes but less than 40 minutes per school day.
2. Multiply \$416 by the number of elementary school pupils of the board who, on October 31, 2003, are scheduled to take instruction in the subject of a Native language for an average of at least 40 minutes per school day.

(3) The Native language amount for secondary school pupils of the board is the total of the amounts determined under the following paragraphs:

1. Multiply \$62 by the sum of the products determined by multiplying the credit value of each course in a Native language that is a level one, level two or level three course taught on a non-semestered basis by the number of pupils

on the board enrolled in the course on October 31, 2003, excluding pupils who are at least 21 years of age on December 31, 2003.

2. Multiply \$62 by the sum of the products determined by multiplying the credit value of each course in a Native language that is a level one, level two or level three course taught on a semestered basis by the total of the number of pupils of the board enrolled in the course on October 31, 2003 and the number of pupils of the board enrolled in the course on March 31, 2004, excluding pupils who are at least 21 years of age on December 31, 2003.
3. Multiply \$82 by the sum of the products determined by multiplying the credit value of each course in a Native language that is a grade 11, grade 12 or OAC course taught on a non-semestered basis by the number of pupils of the board enrolled in the course on October 31, 2003, excluding pupils who are at least 21 years of age on December 31, 2003.
4. Multiply \$82 by the sum of the products determined by multiplying the credit value of each course in a Native language that is a grade 11, grade 12 or OAC course taught on a semestered basis by the total of the number of pupils of the board enrolled in the course on October 31, 2003 and the number of pupils of the board enrolled in the course on March 31, 2004, excluding pupils who are at least 21 years of age on December 31, 2003.

(4) In this section,

“course” means a course at the secondary level that is assigned a common course code in the list of common course codes published by the Ministry; (“cours”)

“credit value” of a course in which a pupil is enrolled means the number of credits that the pupil is eligible to earn on successfully completing the course. (“valeur en crédits”).

ESL/ESD amount

25. (1) The ESL/ESD amount for an English-language district school board for the fiscal year is the sum of the amount set out for the board in Table 1 and the product determined by multiplying \$2,834 by the sum of,

- (a) the number of pupils of the board, as of October 31, 2003,
 - (i) who were born in countries described in subsection (2) after December 31, 1982, and
 - (ii) who entered Canada during the period beginning September 1, 2002 and ending October 31, 2003;
 - (b) the amount determined by multiplying 0.6 by the number of pupils of the board, as of October 31, 2003,
 - (i) who were born in countries described in subsection (2) after December 31, 1982, and
 - (ii) who entered Canada during the period beginning September 1, 2001 and ending August 31, 2002; and
 - (c) the amount determined by multiplying 0.3 by the number of pupils of the board, as of October 31, 2003,
 - (i) who were born in countries described in subsection (2) after December 31, 1982, and
 - (ii) who entered Canada during the period beginning September 1, 2000 and ending August 31, 2001.
- (2) The countries described for the purposes of subsection (1) are,
- (a) countries in which English is not the first language of a majority of the population; and
 - (b) countries in which a majority of the population speaks a variety of English that is sufficiently different from the English used as the language of instruction in schools of the board that it is appropriate to offer an ESL or ESD program to pupils from those countries.

Language allocation, French-language boards

26. The amount of the language allocation for a French-language district school board for the fiscal year is the total of the amounts determined under the following paragraphs:

1. The French as a first language amount for the board for the fiscal year.
2. The Native language amount for the board for the fiscal year.
3. The ALF/PDF amount for the board for the fiscal year.

French as a first language amount

27. The French as a first language amount for a French-language district school board for the fiscal year is the total of the amounts determined under the following paragraphs:

1. Multiply \$412 by the number of elementary school pupils of the board on October 31, 2003.
2. Multiply \$666 by the 2003-2004 day school average daily enrolment of the board, counting only secondary school pupils of the board.

3. Multiply \$11,376 by the number of elementary schools of the board that are governed for the first time by the board in September, 2003.

ALF/PDF amount

28. (1) The following rules apply for the purposes of this section:

1. A board is coterminous with another board if the areas of jurisdiction of the two boards are wholly or partly the same.
 2. The area of jurisdiction of a French-language public district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language public district school boards.
 3. The area of jurisdiction of a French-language separate district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language Roman Catholic boards.
 4. If the area of jurisdiction of a French-language separate district school board is the same as the area of jurisdiction of an English-language Roman Catholic board, the total area of jurisdiction of the French-language separate district school board is one portion.
 5. The assimilation factor for a portion of a French-language public district school board is the factor specified in Table 2 for the English-language public district school board that has an area of jurisdiction matching the portion.
 6. The assimilation factor for a portion of a French-language separate district school board is the factor specified in Table 2 for the English-language Roman Catholic board that has an area of jurisdiction matching the portion.
- (2) The ALF/PDF amount for a French-language district school board for the fiscal year is the total of the ALF funding level for the board for the fiscal year and the PDF funding level for the board for the fiscal year.
- (3) The ALF funding level for the board for the fiscal year is determined as follows:
1. Determine the number, accurate to two decimal places, of elementary instructional units for ALF purposes for each portion of the board.
 2. Determine the number, accurate to two decimal places, of secondary instructional units for ALF purposes for each portion of the board.
 3. For each portion of the board, add the number of elementary and secondary instructional units for ALF purposes determined under paragraphs 1 and 2 for that portion of the board.
 4. Multiply the total number of instructional units for ALF purposes for each portion of the board determined under paragraph 3 by the assimilation factor for that portion of the board.
 5. For each portion of the board, multiply the product determined under paragraph 4 by \$65,403.
 6. Total the amounts determined for each of the portions of the board under paragraph 5.
- (4) For the purposes of subsections (5) and (6), the pupils of a board are counted on the basis of day school full-time equivalent enrolment for the board as of October 31, 2003.
- (5) The number of elementary instructional units for ALF purposes for a portion of the board is determined as follows:
1. Allow 0.005 elementary instructional units for ALF purposes for each of the first 200 elementary school pupils of the board who are enrolled in schools located in the portion.
 2. Allow 0.0025 elementary instructional units for ALF purposes for each of the next 1,600 elementary school pupils of the board who are enrolled in schools located in the portion.
 3. Allow 0.0013 elementary instructional units for ALF purposes for each of the remaining elementary school pupils of the board who are enrolled in schools located in the portion.
 4. Total the instructional units allowed for ALF purposes for the portion of the board under paragraphs 1, 2 and 3.
- (6) The number of secondary instructional units for ALF purposes for a portion of the board is determined as follows:
1. Allow 0.0025 secondary instructional units for ALF purposes for each of the first 1,200 secondary school pupils of the board who are enrolled in schools located in the portion.
 2. Allow 0.0013 secondary instructional units for ALF purposes for each of the remaining secondary school pupils of the board who are enrolled in schools located in the portion.
 3. Total the instructional units allowed for ALF purposes for the portion of the board under paragraphs 1 and 2.
- (7) The PDF funding level for the board is the amount determined by multiplying \$2,834 by the sum of,
- (a) the number of pupils of the board, as of October 31, 2003,
 - (i) who are eligible for PDF funding under subsection (8),

- (ii) who were born after December 31, 1982 in countries in which French is a standard language of schooling or public administration, and
- (iii) who entered Canada during the period beginning September 1, 2002 and ending October 31, 2003;
- (b) the amount determined by multiplying 0.6 by the number of pupils of the board, as of October 31, 2003,
 - (i) who are eligible for PDF funding under subsection (8),
 - (ii) who were born after December 31, 1982 in countries in which French is a standard language of schooling or public administration, and
 - (iii) who entered Canada during the period beginning September 1, 2001 and ending August 31, 2002; and
- (c) the amount determined by multiplying 0.3 by the number of pupils of the board, as of October 31, 2003,
 - (i) who are eligible for PDF funding under subsection (8),
 - (ii) who were born after December 31, 1982 in countries in which French is a standard language of schooling or public administration, and
 - (iii) who entered Canada during the period beginning September 1, 2000 and ending August 31, 2001.
- (8) For the purposes of subsection (7), a pupil is eligible for PDF funding if the pupil is admitted to a school of the board under section 293 of the Act, and
 - (a) the pupil speaks a variety of French that is sufficiently different from the French used as the language of instruction in schools of the board that it is appropriate to offer a PDF program to the pupil;
 - (b) the pupil's schooling has been interrupted or delayed; or
 - (c) the pupil has little knowledge of English or French.

Small schools allocation

29. (1) In this section,

"small elementary school" means,

- (a) in relation to an English-language district school board, an elementary school that has an average of less than 20 pupils per grade and that is located at least eight kilometres by road from every other elementary school of the board, and
- (b) in relation to a French-language district school board, an elementary school that has an average of less than 20 pupils per grade and is located at least eight kilometres by road from every other elementary school of the board that is located in the same portion of the board's area of jurisdiction; ("petite école élémentaire")

"small school" means a small elementary school or a small secondary school; ("petite école")

"small secondary school" means,

- (a) in relation to an English-language district school board, a secondary school that has an average of less than 150 pupils per grade and is located at least 32 kilometres by road from every other secondary school of the board, and
- (b) in relation to a French-language district school board, a secondary school that has an average of less than 150 pupils per grade and is located at least 32 kilometres by road from every other secondary school of the board that is located in the same portion of the board's area of jurisdiction. ("petite école secondaire")

(2) The following rules apply for the purposes of this section:

1. A board is coterminous with another board if the areas of jurisdiction of the two boards are wholly or partly the same.
2. The area of jurisdiction of a French-language public district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language public district school boards.
3. The area of jurisdiction of a French-language separate district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language Roman Catholic boards.
4. If the area of jurisdiction of a French-language separate district school board is the same as the area of jurisdiction of an English-language Roman Catholic board, the total area of jurisdiction of the French-language separate district school board is one portion.
5. Junior kindergarten, kindergarten and grades 1 to 8 are elementary grades.
6. Grades 9 to 12 are secondary grades.
7. Except as provided in paragraph 9, a school that offers instruction in one or more of the elementary grades is treated as an elementary school.

8. Except as provided in paragraph 9, a school that offers instruction in one or more of the secondary grades is treated as a secondary school.
9. If a school offers instruction in one or more of the elementary grades and in one or more of the secondary grades, the school is treated as two distinct schools, namely, one elementary school offering instruction in the relevant elementary grades and one secondary school offering instruction in the relevant secondary grades.
10. For the purposes of this section, the average number of pupils per grade of an elementary school is calculated as follows:
 - i. Determine the day school full-time equivalent enrolment for the board as of October 31, 2003, counting only the pupils enrolled in the school. For the purposes of this paragraph, a pupil who would be a pupil of a board were it not for subsection 2 (5) is deemed to be a pupil of the board.
 - ii. Determine the number of grades in which instruction is given in the school, counting junior kindergarten and kindergarten as 0.5 grades each.
 - iii. Divide the number determined under subparagraph i by the number determined under subparagraph ii.
11. The average number of pupils per grade of a secondary school is calculated as follows:
 - i. Determine the day school full-time equivalent enrolment for the board as of October 31, 2003, counting only the pupils enrolled in the school. For the purposes of this paragraph, a pupil who would be a pupil of a board were it not for subsection 2 (4) or (5) is deemed to be a pupil of the board.
 - ii. Divide the number determined under subparagraph i by the number of grades in which instruction is provided in the school.
12. If two or more elementary schools of an English-language district school board are all located within eight kilometres of each other by road, their combined average number of pupils per grade is less than 20 pupils per grade and one or more of the schools in the group is located eight or more kilometres by road from every elementary school of the board that is not in the group,
 - i. the group of two or more schools is deemed to be one small school for the purposes of this section, and
 - ii. each of the two or more schools in the group is deemed not to be a small school for the purposes of this section.
13. If two or more elementary schools of a French-language district school board are all located in the same portion of the board's area of jurisdiction, are all within eight kilometres of each other by road, their combined average number of pupils per grade is less than 20 pupils per grade and one or more of the schools in the group is located eight or more kilometres by road from every elementary school of the board that is not in the group but is in the same portion of the board's area of jurisdiction,
 - i. the group of two or more schools is deemed to be one small school for the purposes of this section, and
 - ii. each of the two or more schools in the group is deemed not to be a small school for the purposes of this section.
14. The combined average number of pupils per grade of a group of two or more elementary schools is calculated as follows:
 - i. Determine the day school full-time equivalent enrolment for the board as of October 31, 2003, counting only the pupils enrolled in the schools in the group. For the purposes of this paragraph, a pupil who would be a pupil of a board were it not for subsection 2 (5) is deemed to be a pupil of the board.
 - ii. Determine the number of grades in which instruction is given in one or more of the schools in the group, counting junior kindergarten and kindergarten as 0.5 grades each.
 - iii. Divide the number determined under subparagraph i by the number determined under subparagraph ii.
- (3) The amount of the small school allocation for a district school board for the fiscal year is determined as follows:
 1. For each small elementary school of the board,
 - i. determine the school size factor, in accordance with subsection (4),
 - ii. determine the remoteness factor, in accordance with subsection (5), and
 - iii. determine the day school full-time equivalent enrolment for the board as of October 31, 2003, counting only the pupils of the board enrolled in the school.
 2. For each small elementary school of the board, multiply the school size factor by the remoteness factor. Multiply the product by the enrolment determined for the school under subparagraph 1 iii.
 3. For each small elementary school of the board, multiply the product obtained under paragraph 2 by \$6,458.
 4. Total the amounts determined for each of the small elementary schools of the board under paragraph 3.

5. For each small secondary school of the board,
 - i. determine the school size factor, in accordance with subsection (7),
 - ii. determine the remoteness factor, in accordance with subsection (8), and
 - iii. determine the day school full-time equivalent enrolment for the board as of October 31, 2003, counting only pupils of the board enrolled in the school. For the purposes of this subparagraph, pupils enrolled in the school who would be pupils of the board were it not for subsection 2 (4) are deemed to be pupils of the board.
 6. For each small secondary school of the board, multiply the school size factor by the remoteness factor. Multiply the product by the enrolment number determined for the school under subparagraph 5 iii.
 7. For each small secondary school of the board, multiply the product obtained under paragraph 6 by \$9,294.
 8. Total the amounts determined for each of the small secondary schools of the board under paragraph 7.
 9. Total the totals determined under paragraphs 4 and 8.
 10. Add the elementary school principals amount determined under subsection (9) to the amount determined under paragraph 9.
 11. Add the secondary school principals amount determined under subsection (11) to the amount determined under paragraph 10.
- (4) The school size factor for a small elementary school is determined as follows:
1. For a school with an average number of pupils per grade that is less than two, the school size factor is 1.
 2. For a school with an average number of pupils per grade that is two or more but not more than 10, the school size factor is determined on a sliding scale as follows:
 - i. Divide 10 by the average number of pupils per grade.
 - ii. Multiply the result obtained under subparagraph i by 0.2.
 3. For a school with an average number of pupils per grade that is more than 10 but less than 20, the school size factor is determined on a sliding scale as follows:
 - i. Subtract 10 from the average number of pupils per grade.
 - ii. Divide the result obtained under subparagraph i by 10.
 - iii. Subtract the result obtained under subparagraph ii from one.
 - iv. Multiply the result obtained under subparagraph iii by 0.2.
- (5) The remoteness factor for a small elementary school is determined as follows:
1. For a school of an English-language district school board located 80 kilometres or more by road from all other elementary schools of the board, the remoteness factor is 1.5.
 2. For a school of an English-language district school board located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board, the remoteness factor is 1.25.
 3. For all other schools of an English-language district school board, the remoteness factor is 1.0.
 4. For a school of a French-language district school board located 80 kilometres or more by road from all other elementary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor is 1.5.
 5. For a school of a French-language district school board located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor is 1.25.
 6. For all other schools of a French-language district school board, the remoteness factor is 1.0.
- (6) The following rules apply for the purposes of subsection (5) if a group of two or more schools of a board is deemed to be one small school for the purposes of this section:
1. In the case of elementary schools of an English-language district school board, if one or more of the schools in the group is located 80 kilometres or more by road from every elementary school of the board that is not in the group, the small school is deemed to be located 80 kilometres or more by road from all other elementary schools of the board.
 2. Except if paragraph 1 applies, in the case of elementary schools of an English-language district school board, if one or more of the schools in the group is located more than 32 kilometres by road from every elementary school of the board that is not in the group, the small school is deemed to be located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board.

3. In the case of elementary schools of a French-language district school board, if one or more of the schools in the group is located 80 kilometres or more by road from every elementary school of the board that is not in the group but that is located in the same portion of the board's area of jurisdiction, the small school is deemed to be located 80 kilometres or more by road from all other elementary schools of the board.
4. Except if paragraph 3 applies, in the case of elementary schools of a French-language district school board, if one or more of the schools in the group is located more than 32 kilometres by road from every elementary school of the board that is not in the group but that is located in the same portion of the board's area of jurisdiction, the small school is deemed to be located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board.
- (7) The school size factor for a small secondary school is determined as follows:
 1. For a school with an average number of pupils per grade of less than 25, the school size factor is 0.45.
 2. For a school with an average number of pupils per grade of 25 or more but not more than 75, the school size factor is determined on a sliding scale as follows:
 - i. Divide 75 by the average number of pupils per grade.
 - ii. Multiply the result obtained under subparagraph i by 0.15.
 3. For a school with an average number of pupils per grade of more than 75 but less than 150, the school size factor is determined on a sliding scale as follows:
 - i. Subtract 75 from the average number of pupils per grade.
 - ii. Divide the result obtained under subparagraph i by 75.
 - iii. Subtract the result obtained under subparagraph ii from one.
 - iv. Multiply the result obtained under subparagraph iii by 0.15.
- (8) The remoteness factor for a small secondary school is determined as follows:
 1. For a school of an English-language district school board that has an average number of pupils per grade of less than 25 and that is located 80 kilometres or more by road from all other secondary schools of the board, the remoteness factor is 2.0.
 2. For a school of an English-language district school board that has an average number of pupils per grade of 25 or more but less than 150, and that is located 80 kilometres or more by road from all other secondary schools of the board, the remoteness factor is determined as follows:
 - i. Add 25 to the average number of pupils per grade.
 - ii. Divide 50 by the sum obtained under subparagraph i.
 - iii. Add one to the result obtained under subparagraph ii.
 3. For all other small secondary schools of an English-language district school board, the remoteness factor is 1.0.
 4. For a school of a French-language district school board that has an average number of pupils per grade of less than 25 and that is located 80 kilometres or more by road from all other secondary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor is 2.0.
 5. For a school of a French-language district school board that has an average number of pupils per grade of 25 or more but less than 150, and that is located 80 kilometres or more by road from all other secondary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor is determined as follows:
 - i. Add 25 to the average number of pupils per grade.
 - ii. Divide 50 by the sum obtained under subparagraph i.
 - iii. Add one to the result obtained under subparagraph ii.
 6. For all other small secondary schools of a French-language district school board, the remoteness factor is 1.0.
- (9) The elementary school principals amount is determined as follows:
 1. Take the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
 2. Multiply the number determined under paragraph 1 by \$259.
 3. Divide the number determined under paragraph 2 by the product of \$84,125 multiplied by 1.12.
 4. Divide the number determined under paragraph 3 by the number of elementary schools of the board.
 5. If the number determined under paragraph 4 is equal to or greater than 0.69, the elementary school principals amount is zero.

- o. If the number determined under paragraph 4 is less than 0.69, the elementary school principals amount is the number determined as follows:
 - i. Subtract the number determined under paragraph 4 from 0.69.
 - ii. Multiply the number determined under subparagraph i by the product of \$84,125 and 1.12.
 - iii. Multiply the number determined under subparagraph ii by the number of elementary schools of the board.
- (10) For the purposes of subsection (9), a school is an elementary school if,
 - (a) it has been identified by the board as an elementary school in accordance with the Ministry publication entitled "Data Collection Instruction Guide for the School Facilities Inventory Database", dated January, 1998; and
 - (b) pupils were enrolled in day school programs in the school in the 2003-2004 school year.
- (11) The secondary school principals amount is determined as follows:
 1. Take the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
 2. Multiply the number determined under paragraph 1 by \$113.
 3. Divide the number determined under paragraph 2 by the product of \$91,745 multiplied by 1.12.
 4. Divide the number determined under paragraph 3 by the number of secondary schools of the board.
 5. If the number determined under paragraph 4 is equal to or greater than 0.4, the secondary school principals amount is zero.
 6. If the number determined under paragraph 4 is less than 0.4, the secondary school principals amount is the number determined as follows:
 - i. Subtract the number determined under paragraph 4 from 0.4.
 - ii. Multiply the number determined under subparagraph i by the product of \$91,475 and 1.12.
 - iii. Multiply the number determined under subparagraph ii by the number of secondary schools of the board.
- (12) For the purposes of subsection (11), a school is a secondary school if,
 - (a) it has been identified by the board as a secondary school in accordance with the Ministry publication entitled "Data Collection Instruction Guide for the School Facilities Inventory Database", dated January, 1998; and
 - (b) pupils were enrolled in day school programs in the school in the 2003-2004 school year.

30. (1) The amount of the remote and rural allocation for a district school board for the fiscal year is the total of the board's small board amount, the board's distance amount and the board's dispersion amount.

1. If the 2003-2004 day school average daily enrolment of pupils of the board is less than 4,000,
 - i. multiply the 2003-2004 day school average daily enrolment of pupils of the board by \$0.0164,
 - ii. subtract the amount determined under subparagraph i from \$301.50, and
 - iii. multiply the amount determined under subparagraph ii by the 2003-2004 day school average daily enrolment of pupils of the board.
2. If the 2003-2004 day school average daily enrolment of pupils of the board is at least 4,000 but less than 8,000,
 - i. subtract 4,000 from the 2003-2004 day school average daily enrolment of pupils of the board,
 - ii. multiply the number determined under subparagraph i by \$0.0188,
 - iii. subtract the amount determined under subparagraph ii from \$236, and
 - iv. multiply the amount determined under subparagraph iii by the 2003-2004 day school average daily enrolment of pupils of the board.
3. If the 2003-2004 day school average daily enrolment of pupils of the board is 8,000 or more,
 - i. subtract 8,000 from the 2003-2004 day school average daily enrolment of pupils of the board,
 - ii. multiply the number determined under subparagraph i by \$0.0201,
 - iii. subtract the amount determined under subparagraph ii from \$160.80,

- iv. if the amount determined under subparagraph iii is greater than zero, multiply the amount determined under subparagraph iii by the 2003-2004 day school average daily enrolment of pupils of the board, and
- v. if the amount determined under subparagraph iii is not greater than zero, the board's small board amount is zero.

(3) The board's distance amount is,

- (a) the product of the 2003-2004 day school average daily enrolment of pupils of the board multiplied by the board's distance factor per pupil, if the board is an English-language district school board; or
- (b) the product of the 2003-2004 day school average daily enrolment of pupils of the board multiplied by the greater of the board's distance factor per pupil or \$168, if the board is a French-language district school board.

(4) The board's distance factor per pupil is the amount determined by multiplying the urban factor specified for the board in Column 3 of Table 3 by the amount determined under the following paragraph that applies to the board:

- 1. If the distance specified for the board in Column 2 of Table 3 is less than 151 kilometres, the amount is zero.
- 2. If the distance specified for the board in Column 2 of Table 3 is equal to or greater than 151 kilometres but less than 650 kilometres, the amount is determined using the formula:

$$(A - 150) \times \$1.030$$

in which "A" is the distance specified for the board in Column 2 of Table 3.

- 3. If the distance specified for the board in Column 2 of Table 3 is equal to or greater than 650 kilometres but less than 1,150 kilometres, the amount is determined using the formula:

$$[(A - 650) \times \$0.136] + \$515$$

in which "A" is the distance specified for the board in Column 2 of Table 3.

- 4. If the distance specified for the board in Column 2 of Table 3 is equal to or greater than 1,150 kilometres, the amount is \$583.

(5) The board's dispersion amount is the amount calculated using the formula,

$$(DD - F) \times ADE \times \$5.41$$

in which,

"DD" is the dispersion distance in kilometres set out in Column 4 of Table 3 opposite the name of the board in Column 1 of that Table,

"F" is the lesser of "DD" and 14 kilometres, and

"ADE" is the 2003-2004 day school average daily enrolment of pupils of the board.

Learning opportunities allocation

31. (1) The amount of the learning opportunities allocation for a district school board for the fiscal year is the total of the amounts set out or determined under the following paragraphs:

- 1. The amount set out in Column 2 of Table 4 opposite the name of the board.
- 2. The board's early learning assistance amount for the fiscal year which is the amount determined by multiplying \$122 by the 2003-2004 day school average daily enrolment of elementary school pupils of the board, counting only pupils enrolled in junior kindergarten, kindergarten and grades one to three.
- 3. The board's literacy and numeracy assistance amount for the fiscal year.
- 4. The board's student at-risk amount for the fiscal year.

(2) The board's literacy and numeracy assistance amount for the fiscal year is determined as follows:

- 1. Determine the summer school average daily enrolment for the board for the fiscal year in accordance with section 4 of the 2003-2004 A.D.E. regulation, counting only pupils of the board enrolled in classes or courses described in subclauses (c) (iii) and (iv) of the definition of "summer school class or course" in subsection 4 (1) of that regulation.
- 2. Determine the continuing education average daily enrolment for the board for the fiscal year in accordance with section 3 of the 2003-2004 A.D.E. regulation, counting only pupils of the board enrolled in classes or courses described in paragraphs 5, 6 and 7 of subsection 3 (2) of that regulation.
- 3. Add the numbers determined under paragraphs 1 and 2.
- 4. Multiply the number determined under paragraph 3 by \$5,275.
- 5. Add the amount of the board's transportation costs related to literacy and numeracy instruction for the fiscal year.

(3) The amount of the board's transportation costs related to literacy and numeracy instruction for the fiscal year is determined as follows:

1. Take the amount of the board's transportation allocation for the fiscal year.
2. Deduct the amount approved for the board under paragraph 6 of section 35.
3. Divide the result obtained under paragraph 2 by the 2003-2004 day school average daily enrolment of pupils of the board.
4. Multiply the result obtained under paragraph 3 by the enrolment amount determined under paragraph 1 of subsection (2).
5. Multiply the result obtained under paragraph 4 by 3.0.

(4) The board's students at-risk amount for the fiscal year is the amount determined as follows:

1. Multiply \$24.90 by the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in grades 9, 10, 11 and 12.
2. Multiply \$9.95 by the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in grades 4, 5, 6, 7 and 8.
3. Multiply the amount determined under paragraph 5 of section 35 by 0.0023.
4. Multiply the students at-risk demographic factor set out in Column 3 of Table 4 opposite the name of the board in Column 1 of that Table by \$10,000,000.
5. Multiply the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in grades 9, 10, 11 and 12, by the dispersion distance in kilometres set out in Column 4 of Table 3 opposite the name of the board in Column 1 of that Table.
6. Multiply the amount determined in paragraph 5 by \$0.50.
7. Multiply the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in grades 4, 5, 6, 7 and 8, by the dispersion distance in kilometres set out in Column 4 of Table 3 opposite the name of the board in Column 1 of that Table.
8. Multiply the amount determined in paragraph 7 by \$0.20
9. Add the amounts determined under paragraphs 1, 2, 3, 4, 6 and 8.
10. Add \$138,900 to the sum determined under paragraph 9.

Continuing education and other programs allocation

32. (1) The amount of the continuing education and other programs allocation for a district school board for the fiscal year is determined as follows:

1. Determine the 2003-2004 day school average daily enrolment for the board, for the fiscal year, in accordance with section 2 of the 2003-2004 A.D.E. regulation, counting only pupils of the board who are at least 21 years of age on December 31, 2003.
2. Determine the continuing education average daily enrolment for the board for the fiscal year, in accordance with section 3 of the 2003-2004 A.D.E. regulation, counting only pupils enrolled in classes or courses described in paragraphs 1, 2, 3, 4, 8 and 9 of subsection 3 (2) of that regulation and excluding,
 - i. pupils to whom subsection 49 (6) of the Act applies, and
 - ii. pupils in respect of whom the board charges a fee under subsection 8 (4) of the 2003-2004 fees regulation.
3. Determine the summer school average daily enrolment for the board for the fiscal year, in accordance with section 4 of the 2003-2004 A.D.E. regulation, counting only pupils enrolled in classes or courses described in subclause (c) (i), (ii), (v) or (vi) of the definition of "summer school class or course" in subsection 4 (1) of that regulation, excluding pupils to whom subsection 49 (6) of the Act applies and pupils in respect of whom the board charges a fee under subsection 8 (5) of the 2003-2004 fees regulation.
4. Add the numbers determined under paragraphs 1, 2 and 3.
5. Multiply the total determined under paragraph 4 by \$2,429.
6. Determine the amount for international languages for the board.
7. Determine the amount for the board for prior learning assessment and recognition that is not provided as part of a day school program.
8. Total the amounts determined under paragraphs 5, 6 and 7.

(2) Subsections (3) and (4) apply if a board establishes classes to provide instruction in a language other than English or French and the classes are approved by the Minister as part of an international languages elementary school program.

(3) Except as provided in subsection (4), the amount for international languages for the board is the number of hours of instruction provided by the board in classes described in subsection (2), multiplied by \$41.

(4) If the quotient obtained by dividing the number of elementary school pupils enrolled in classes described in subsection (2) that have been established by the board by the number of those classes is less than 25, the \$41 per hour rate specified in subsection (3) is reduced by the product of \$1 and the difference between the quotient and 25.

(5) The amount for the board for the fiscal year for prior learning assessment and recognition that is not provided as part of a day school program is the sum of the amounts determined under the following paragraphs:

1. Multiply \$100 by the sum of,

- i. the number of individual student assessments for grades 9 and 10 credits, in accordance with section 6.6 of the Ministry's publication entitled "Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999", that are received by mature students of the board during the fiscal year, and
- ii. the number of individual student equivalency assessments for grades 11 and 12 credits, in accordance with section 6.6 of the Ministry's publication entitled "Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999", that are received by mature students of the board during the fiscal year.

2. Multiply \$300 by the number of completed challenges for grades 11 and 12 credits undertaken by mature students of the board in accordance with section 6.6 of the Ministry's publication entitled "Ontario Secondary Schools Grades 9 to 12 — Program and Diploma Requirements — 1999."

(6) The following rules apply for purposes of subsection (5):

1. A pupil of the board is a mature student for the fiscal year if he or she is at least 18 years of age on December 31, 2003 and was not enrolled in a day school program in one or more prior school years.
2. In determining the number of completed challenges for grades 11 and 12 credits undertaken by mature students of the board, a full credit course is counted as one credit and a half credit course is counted as 0.5 credit.

Teacher qualification and experience allocation

33. (1) In this section,

"AEFO" stands for l'Association des enseignantes et des enseignants franco-ontariens; ("AEFO")

"AEFO certification" means the AEFO certification of Group 1, Group 2, Group 3 or Group 4; ("certification de l'AEFO")

"OSSTF" stands for the Ontario Secondary School Teachers' Federation; ("FEESO")

"OSSTF certification" means the OSSTF certification of Group 1, Group 2, Group 3 or Group 4; ("certification de la FEESO")

"QECO" stands for Qualifications Evaluation Council of Ontario; ("COEQ")

"QECO category" means the QECO category D, C, B, A1, A2, A3 or A4; ("catégorie du COEQ")

"qualification category" means AEFO certification, OSSTF certification or QECO category; ("catégorie de qualifications")

"teacher" includes a temporary teacher and does not include an occasional teacher. ("enseignant")

(2) In this section, a cell of Table 5 is referred to by its qualification category co-ordinate followed by the number co-ordinate representing full years of teaching experience.

(3) For example, cell C-1 of Table 5 contains the number 0.6127 and cell A1/Group 1-3 contains the number 0.7416.

(4) For the purposes of this section, the number of teachers employed by a board is the full-time equivalent number of persons employed by the board as of October 31, 2003 to teach.

(5) For the purposes of subsection (4), the counting practices usually followed by the board for staffing purposes must be followed, subject to the following rules:

1. A teacher who is not assigned to provide instruction to pupils of the board in a regular timetable that is in effect as of October 31, 2003 is not counted for the purposes of this section, unless the teacher satisfies the conditions described in subsection (6).
2. The provision of library instruction or guidance to pupils is considered the provision of instruction to pupils for the purposes of paragraphs 1, 3 and 4.
3. If a teacher is assigned in a regular timetable that is in effect as of October 31, 2003 to spend part of his or her time providing instruction to pupils of the board and is also assigned, as of that date, under section 17 of Regulation 298 of

the Revised Regulations of Ontario, 1990, to spend part of his or her time acting as a consultant, co-ordinator or supervisor, the full-time equivalency for the teacher is determined as follows:

- i. Determine the average number of hours per day in the cycle that includes October 31, 2003 for which the teacher is regularly scheduled, in accordance with the timetable, to provide instruction to pupils of the board or to prepare for such instruction. For the purposes of this subparagraph, a count of hours is accurate to one decimal place.
 - ii. Divide the total determined under subparagraph i by five.
 4. If a principal or vice-principal is assigned in a regular timetable that is in effect as of October 31, 2003 to spend part of his or her time providing instruction to pupils of the board, the principal or vice-principal is counted as a teacher for the purposes of this section and his or her full-time equivalency as a teacher is determined as follows:
 - i. Determine the average number of hours per day in the cycle that includes October 31, 2003 for which the principal or vice-principal is regularly scheduled, in accordance with the timetable, to provide instruction to pupils of the board. For the purposes of this subsection, a count of hours is accurate to one decimal place.
 - ii. Divide the number determined under subparagraph i by five.
 5. An occasional teacher who is assigned to provide instruction to pupils of the board in a regular timetable in effect on October 31, 2003 is not counted if the teacher the occasional teacher replaces is included in determining the number of teachers employed by the board under subsection (4) and the board can reasonably expect the teacher to resume instructional duties with the board in the fiscal year.
- (6) For the purposes of paragraph 1 of subsection (5), a teacher is counted for the purposes of this section if he or she is on a leave of absence with pay on October 31, 2003 and the board is not reimbursed for the teacher's pay during the leave of absence.
- (7) The number of full years of teaching experience of a teacher is deemed to be the teacher's number of years of teaching experience before the first day of the 2003-2004 school year, rounded to the nearest whole number if the teacher's number of years of teaching experience is not a whole number and, for this purpose, a number ending in .5 is considered to be nearer to the next whole number.
- (8) If the number of full years of teaching experience of a teacher exceeds 10, the number of full years of teaching experience of the teacher is deemed to be 10.
- (9) The number of full years of teaching experience of a principal or vice-principal is deemed to be 10.
- (10) The following rules apply, as of October 31, 2003, to determine the qualification category of a teacher:
1. If a board uses an AEFO certification system for salary purposes in relation to a teacher employed by it, that AEFO certification system is used for that teacher for the purposes of this section.
 2. If a board uses a QECO categories system for salary purposes in relation to a teacher employed by it, that QECO categories system is used for that teacher for the purposes of this section.
 3. If a board uses an OSSTF certification system for salary purposes in relation to a teacher employed by it, that OSSTF certification system is used for that teacher for the purposes of this section.
 4. Subject to paragraph 6, if a board does not use a QECO categories system for salary purposes in relation to an elementary school teacher employed by it, the classification system used by the board for elementary school teachers in filling out the 2003 Data Form A submitted to the Office of Collective Bargaining Information of the Ministry of Labour is used for that teacher for the purposes of this section.
 5. Subject to paragraph 6, if a board does not use an AEFO certification system, a QECO categories system or an OSSTF certification system for salary purposes in relation to a secondary school teacher employed by it, the classification system used by the board for secondary school teachers in filling out the 2003 Data Form A submitted to the Office of Collective Bargaining Information of the Ministry of Labour is used for that teacher for the purposes of this section.
 6. In the circumstances described in paragraph 4 or 5, the board may elect, by written notice to the Minister, to use the AEFO certification system, the QECO categories system referred to by QECO as QECO Programme Level 4 or the 1992 OSSTF certification system, instead of the classification system required under paragraph 4 or 5.
 7. The qualification category of a principal or vice-principal is deemed to be A4/Group 4.
 8. If the qualification category of a person is changed after October 31, 2003 and the change for salary purposes is retroactive to a day in the period between the first day of the 2003-2004 school year and October 31, 2003, the changed qualification category must be used for the purposes of this section.
- (11) The amount of the teacher qualification and experience allocation for a district school board is the total of the elementary school teacher qualification and experience allocation and the secondary school teacher qualification and experience allocation.
- (12) The amount of the elementary school teacher qualification and experience allocation for a district school board is determined as follows:

1. For each cell in Table 5, determine the number of teachers employed by the board to provide instruction to elementary school pupils who have the qualification category and the number of full years of teaching experience that correspond with the co-ordinates of the cell. For example, a teacher with a qualification category of D and .7 years of teaching experience is counted for the purposes of cell D-1 and a teacher with a qualification category of A2 or Group 2 and 3.2 years of teaching experience is counted for the purposes of cell A2/Group 2-3.
2. For each cell in Table 5, multiply the number of teachers employed by the board to provide instruction to elementary school pupils who are counted for the purposes of the cell by the number set out in that cell in that Table.
3. Add all the products obtained under paragraph 2 for the board.
4. Divide the sum determined under paragraph 3 by the total number of teachers employed by the board to provide instruction to elementary school pupils.
5. Subtract one from the number obtained under paragraph 4.
6. Multiply the result obtained under paragraph 5 by \$2,810.
7. Multiply the amount determined under paragraph 6 by the 2003-2004 day school average daily enrolment of elementary school pupils of the board.

(13) The amount of the secondary school teacher qualification and experience allocation for a district school board is determined as follows:

1. For each cell in Table 5, determine the number of teachers employed by the board to provide instruction to secondary school pupils who have the qualification category and the number of full years of teaching experience that correspond with the co-ordinates of the cell. For example, a teacher with a qualification category of D and .7 years of teaching experience is counted for the purposes of cell D-1 and a teacher with a qualification category of A2 or Group 2 and 3.2 years of teaching experience is counted for the purposes of cell A2/Group 2-3.
2. For each cell in Table 5, multiply the number of teachers employed by the board to provide instruction to secondary school pupils who are counted for the purposes of the cell by the number set out in that cell in that Table.
3. Add all the products obtained under paragraph 2 for the board.
4. Divide the sum determined under paragraph 3 by the total number of teachers employed by the board to provide instruction to secondary school pupils.
5. Subtract one from the number obtained under paragraph 4.
6. Multiply the result obtained under paragraph 5 by \$3,418.
7. Multiply the amount determined under paragraph 6 by the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
8. Determine the special assistance amount, if any, for a high credit per pupil average, in accordance with subsection (14).
9. Add the amounts determined under paragraphs 7 and 8.

(14) The special assistance amount for a high credit per pupil average is determined as follows:

1. Determine the average number of credits per secondary school pupil of the board for the 2002-2003 school year.
2. If the number determined under paragraph 1 is 7.5 or less but more than 7.2, deduct 7.2 from the number determined under paragraph 1.
3. If the number determined under paragraph 1 is more than 7.5, deduct 7.2 from 7.5.
4. Divide the number obtained under paragraph 2 or 3, as the case may be, by 7.2.
5. Multiply the number obtained under paragraph 4 by \$3,194.
6. Multiply the amount obtained under paragraph 5 by the 2003-2004 day school average daily enrolment of secondary school pupils of the board.

Early learning allocation

34. (1) The amount of the early learning allocation for a district school board for the fiscal year is determined in accordance with this section.

(2) If a board does not provide instruction in junior kindergarten in any of its schools in September of 2003, the amount of the early learning allocation for the board is determined as follows:

1. Determine the day school average daily enrolment for the board, as determined under section 2 of the 2003-2004 A.D.E. regulation, counting only pupils of the board enrolled in kindergarten and grades 1 to 3.
2. Multiply the number determined under paragraph 1 by \$726.

(3) If a board provides instruction in junior kindergarten in one or more of its schools in September of 2003, the amount of the early learning allocation for the board is determined as follows:

1. Determine the day school average daily enrolment for the board, as determined under section 2 of the 2003-2004 A.D.E. regulation, counting only pupils of the board enrolled in any of kindergarten and grades 1 to 3. For the purpose of determining the day school average daily enrolment for the board under this paragraph, a pupil enrolled in kindergarten as part of a combined kindergarten program is deemed to be a half-time pupil.
2. Multiply the number determined under paragraph 1 by \$726.
3. Determine the 2003-2004 allocation per elementary school pupil of the board, in accordance with subsection (4).
4. Multiply the amount determined under paragraph 3 by the day school average daily enrolment for the board, as determined under section 2 of the 2003-2004 A.D.E. regulation, counting only pupils of the board enrolled in junior kindergarten. For the purpose of determining the day school average daily enrolment for the board under this paragraph, a pupil enrolled in junior kindergarten as part of a combined kindergarten program is deemed to be a half-time pupil.
5. Add the amount for ISA level 2 claims and ISA level 3 claims for pupils of the board in junior kindergarten classes to the product determined under paragraph 4.
6. Deduct the amount determined under paragraph 5 from the amount determined under paragraph 2.

(4) The 2003-2004 allocation per elementary school pupil of the board is determined as follows:

1. Total the following amounts:
 - i. The board's remote and rural allocation for the fiscal year.
 - ii. The amount set out in Column 2 of Table 4 opposite the name of the board.
 - iii. The board's transportation allocation for the fiscal year.
 - iv. The board's administration and governance allocation for the fiscal year.
2. Divide the total obtained under paragraph 1 by the 2003-2004 day school average daily enrolment of pupils of the board.
3. Determine the total approved ISA level 1 claims for elementary school pupils of the board for the fiscal year.
4. Add the sum of the amount determined under paragraph 4 of subsection 29 (3) for the board for the fiscal year and the board's elementary school principals amount determined under section 29.
5. In the case of an English-language district school board, determine an amount on account of the language allocation for elementary school pupils by adding the sum of the amounts determined under paragraphs 3 and 4 of subsection 23 (2) to the part of the ESL/ESD amount for the board for the fiscal year that is generated by elementary school pupils of the board.
6. In the case of a French-language district school board, determine an amount on account of the language allocation for elementary school pupils, as follows:
 - i. Total the amounts determined for the board under paragraphs 1 and 3 of section 27.
 - ii. Divide the ALF funding level for the board for the fiscal year, as determined under section 28, by the total number of elementary and secondary instructional units for ALF purposes for the board for the fiscal year. Multiply the result by the total number of elementary instructional units for ALF purposes for the board for the fiscal year.
 - iii. Calculate the part of the PDF funding level for the board for the fiscal year that is generated by elementary school pupils of the board.
 - iv. Total the amount taken under subparagraph i, the product obtained under subparagraph ii and the amount calculated under subparagraph iii.
7. Take the amount of the elementary school teacher qualification and experience allocation for the board for the fiscal year.
8. Determine an amount in relation to elementary school operations as follows:
 - i. Multiply \$58.56 by the adjusted elementary school area requirement for the board, in metres squared, as determined under section 37.
 - ii. Add the sum determined under paragraph 16 of subsection 37 (3).
9. Total the amounts taken or determined for the board under paragraphs 3 to 8.

10. Divide the total obtained under paragraph 9 by the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
11. Total the following amounts:
 - i. \$3,885, on account of the foundation allocation.
 - ii. \$122, on account of the early learning assistance amount.
 - iii. \$562, on account of the enrolment-based special education amount for junior kindergarten to grade 3.
 - iv. The amount obtained under paragraph 2.
 - v. The amount obtained under paragraph 10.

(5) The amount for ISA level 2 claims and ISA level 3 claims for pupils of the board in junior kindergarten classes is determined as follows:

1. Calculate the total of the portion of the ISA level 2 claim for the board for the fiscal year that is generated by elementary school pupils of the board and the portion of the ISA level 3 claim for the board for the fiscal year that is generated by elementary school pupils of the board.
2. Divide the amount determined under paragraph 1 by the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
3. Multiply the amount determined under paragraph 2 by the day school average daily enrolment for the board, as determined under section 2 of Ontario Regulation 157/02, counting only pupils of the board enrolled in junior kindergarten and, to the extent that any of those pupils are in a combined kindergarten program, counting each of those pupils as a half-time pupil.

Transportation allocation

35. The amount of the transportation allocation for a district school board for the fiscal year is determined as follows:
 1. Multiply 1.0332 by the sum of,
 - i. the amount determined for the board under paragraph 5 of section 34 of Ontario Regulation 156/02, and
 - ii. the amount in Column 2 of Table 6.1 in Ontario Regulation 156/02 that is opposite the name of the board in Column 1 of that Table.
 2. Determine the 2003-2004 day school average daily enrolment of pupils of the district school board.
 3. Take the 2002-2003 day school average daily enrolment of pupils of the board, within the meaning of Ontario Regulation 156/02.
 4. Divide the number obtained under paragraph 2 by the number obtained under paragraph 3. If the quotient obtained is less than 1.0, it is deemed to be 1.0.
 5. Multiply the product determined for the board under paragraph 1 by the amount determined under paragraph 4.
 6. Add the amount determined under paragraph 5 to the amount of the board's expenditure in the fiscal year that is approved by the Minister in respect of transportation to and from the Ontario School for the Blind, an Ontario School for the Deaf or a demonstration school established by or operated under an agreement with the Minister for pupils with severe communicational exceptionalities.

Administration and governance allocation

36. (1) The amount of the administration and governance allocation for a district school board for the fiscal year is the total of the amounts listed in the following paragraphs:

1. The amount determined under subsection (2) for the board for board members' honoraria and expenses and for expenses relating to pupil representation.
2. The amount determined under subsection (4) for the board for directors of education and supervisory officers.
3. The amount determined under subsection (5) for the board for administration costs.
4. The amount determined under subsection (6) for the board for multiple municipalities.

(2) The amount for the board for board members' honoraria and expenses and for expenses relating to pupil representation is determined as follows:

1. Multiply the number of members on the board by \$5,000 to determine the amount of board members' honoraria. For the purposes of this paragraph and paragraph 2, the number of members on the board is the sum of,

- i. the number of members determined for the board under subclause 58.1 (2) (k) (i) of the Act or, if a resolution referred to in subsection 58.1 (10.1) of the Act is in effect, the number of members specified in the resolution, and
 - ii. the number of Native representatives determined for the board under subsection 188 (5) of the Act.
2. Multiply the number of members on the board by \$5,000, to determine the amount of board members' expenses.
 3. Total the products obtained under paragraphs 1 and 2.
 4. Add \$10,000 to the amount determined under paragraph 3, for additional honoraria for the chair and vice-chair.
 5. Add \$5,000 to the amount determined under paragraph 4, for expenses relating to pupil representation.
- (3) For the purposes of subsection (4), pupils are counted on the basis of the 2003-2004 day school average daily enrolment of pupils of the board.

(4) The amount for the board for directors of education and supervisory officers is determined as follows:

1. Allow \$443,456 as a base amount.
2. Allow \$11.30 per pupil for the first 10,000 pupils of the board.
3. Allow \$16.50 per pupil for the next 10,000 pupils of the board.
4. Allow \$22.70 pupil for the remaining pupils of the board.
5. Total the amounts allowed under paragraphs 1 to 4.
6. Add 2 per cent of the amount of the board's remote and rural allocation for the year.
7. Add 0.5 per cent of the amount set out in Column 2 of Table 4 opposite the name of the board.
8. Add 1 per cent of the amount calculated for the board for new pupil places under section 37.

(5) The amount for the board for administration costs is determined as follows:

1. Allow \$84,022 as a base amount.
2. Add the product of \$182 and the 2003-2004 day school average daily enrolment of pupils of the board.
3. Add 11 per cent of the amount of the board's remote and rural allocation for the year.
4. Add 0.5 per cent of the amount set out in Column 2 of Table 4 opposite the name of the board.
5. Add 1 per cent of the amount calculated for the board for new pupil places under section 37.

(6) The amount, if any, for a board for multiple municipalities is the amount determined under the following rules:

1. If, on September 1, 2003, there are at least 30 but not more than 49 municipalities situated wholly or partly within the board's area of jurisdiction, the amount is determined using the following formula:

$$(n - 29) \times \$500$$

in which "n" is the number of those municipalities.

2. If, on September 1, 2003, there are at least 50 but not more than 99 municipalities situated wholly or partly within the board's area of jurisdiction, the amount is determined using the following formula:

$$\$10,000 + [(n - 49) \times \$750]$$

in which "n" is the number of those municipalities.

3. If, on September 1, 2003, there are at least 100 municipalities situated wholly or partly within the board's area of jurisdiction, the amount is determined using the following formula:

$$\$47,500 + [(n - 99) \times \$1,000]$$

in which "n" is the number of those municipalities.

(7) For the purposes of subsection (6), a deemed district municipality is not counted as a municipality.

Pupil accommodation allocation

37. (1) For the purposes of this section,

- (a) a school of a board is an elementary school if it has been identified as such by the board in accordance with the Ministry publication entitled "Data Collection Instruction Guide for the School Facilities Inventory Database", dated January 1998; and

- (b) a school of a board is a secondary school if it has been identified as such by the board in accordance with the Ministry publication entitled "Data Collection Instruction Guide for the School Facilities Inventory Database", dated January 1998.
- (2) The amount of the pupil accommodation allocation for a district school board for the fiscal year is the total of the amounts for the board for the year listed in the following paragraphs:
1. The amount for school operations.
 2. The amount for school renewal.
 3. The amount for new pupil places.
 4. The amount for outstanding capital commitments.
- (3) The amount for the board for the fiscal year for school operations is determined as follows:
1. Determine the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
 2. Multiply the number determined under paragraph 1 by the benchmark area requirement per pupil of 9.29 metres squared to obtain the elementary school area requirement for the board.
 3. Determine the adjusted elementary school area requirement for the board in metres squared by applying, to the amount determined under paragraph 2, the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
 4. Determine the day school average daily enrolment for the board for the 2003-2004 fiscal year, in accordance with section 2 of the 2003-2004 day school A.D.E. regulation, counting only pupils who are at least 21 years of age on December 31, 2003.
 5. Determine the continuing education average daily enrolment for the board for the 2003-2004 fiscal year, in accordance with section 3 of the 2003-2004 A.D.E. regulation, counting only pupils enrolled in a course for which the pupil may earn a credit and in which instruction is given between 8 a.m. and 5 p.m. and excluding,
 - i. pupils enrolled in a continuing education course delivered primarily through means other than classroom instruction,
 - ii. pupils to whom subsection 49 (6) of the Act applies, and
 - iii. pupils in respect of whom the board charges a fee under subsection 8 (4) of the 2003-2004 fees regulation.
 6. Determine the summer school average daily enrolment for the board for the fiscal year, in accordance with section 4 of the 2003-2004 A.D.E. regulation, excluding,
 - i. pupils to whom subsection 49 (6) of the Act applies, and
 - ii. pupils in respect of whom the board charges a fee under subsection 8 (5) of the 2003-2004 fees regulation.
 7. Add the numbers determined under paragraphs 4, 5 and 6.
 8. Multiply the total determined under paragraph 7 by the benchmark area requirement per pupil of 9.29 metres squared, to obtain the continuing education and other programs area requirement for the board.
 9. Determine the adjusted continuing education and other programs area requirement for the board in metres squared by applying, to the amount determined under paragraph 8, the supplementary continuing education and other programs area factor approved for the board by the Minister in accordance with subsection (6).
 10. Determine the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
 11. Multiply the number determined under paragraph 10 by the benchmark area requirement per pupil of 12.07 metres squared to obtain the secondary school area requirement for the board.
 12. Determine the adjusted secondary school area requirement for the board in metres squared by applying, to the amount determined under paragraph 11, the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
 13. Obtain the adjusted total area requirement for the board in metres squared by adding the following amounts:
 - i. The adjusted elementary school area requirement for the board determined under paragraph 3.
 - ii. The adjusted continuing education and other programs area requirement for the board determined under paragraph 9.
 - iii. The adjusted secondary school area requirement for the board determined under paragraph 12.
 14. Multiply the number obtained under paragraph 13 by the benchmark operating cost of \$58.56 per metre squared.
 15. For each elementary school of the board, calculate a top-up amount for school operations, as follows:

- i. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils of the board enrolled in the school.
 - ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However, the capacity of a school for which the number determined under subparagraph i is zero is deemed, for the purposes of this paragraph, to be zero.
 - iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 9.29 metres squared.
 - iv. Multiply the number determined under subparagraph iii by the benchmark operating cost of \$58.56 per metre squared.
 - v. Multiply the number determined under subparagraph iv by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
 - vi. If the school is not a school to which paragraph 12 or 13 of subsection 29 (2) applies, take the amount, if any, determined under paragraph 4 of subsection 29 (3) for the school.
 - vii. Multiply the amount taken under subparagraph vi by 0.25.
 - viii. If the school is a school to which paragraph 12 or 13 of subsection 29 (2) applies, take the amount determined under paragraph 4 of subsection 29 (3) for the group of schools of which the school is a part.
 - ix. Multiply the amount taken under subparagraph viii by the day school full-time equivalent enrolment for the board as of October 31, 2003, counting only the pupils of the board enrolled in the school.
 - x. Divide the product obtained under subparagraph ix by the day school full-time equivalent enrolment for the board as of October 31, 2003, counting only the pupils of the board enrolled in the group of schools of which the school is a part.
 - xi. Multiply the quotient obtained under subparagraph x by 0.25.
 - xii. Total the numbers determined under subparagraphs v, vii and xi.
 - xiii. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 9.29 metres squared.
 - xiv. Multiply the number determined under subparagraph xiii by the benchmark operating cost of \$58.56 per metre squared.
 - xv. Multiply the number determined under subparagraph xiv by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
 - xvi. Multiply the number determined under subparagraph xv by 0.2.
 - xvii. Subtract the number determined under subparagraph xii from the number determined under subparagraph xv.
 - xviii. If the number determined under subparagraph xvii is zero or a negative number or if the number determined under subparagraph i is zero, the top-up amount for school operations for the school is zero. Otherwise, the top-up amount for school operations for the school is the lesser of the number determined under subparagraph xvi and the number determined under subparagraph xvii.
16. Total the top-up amounts for school operations determined under paragraph 15 for each of the elementary schools of the board.
17. For each secondary school of the board, calculate a top-up amount for school operations, as follows:
- i. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils of the board enrolled in the school.
 - ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However, the capacity of a school for which the number determined under subparagraph i is zero is deemed, for the purposes of this paragraph, to be zero.
 - iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 12.07 metres squared.
 - iv. Multiply the number determined under subparagraph iii by the benchmark operating cost of \$58.56 per metre squared.
 - v. Multiply the number determined under subparagraph iv by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
 - vi. Take the amount, if any, determined for the school under paragraph 7 of subsection 29 (3).
 - vii. Multiply the amount taken under subparagraph vi by 0.25.

- viii. Add the number determined under subparagraph vii to the number determined under subparagraph v.
 - ix. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 12.07 metres squared.
 - x. Multiply the number determined under subparagraph ix by the benchmark operating cost of \$58.56 per metre squared.
 - xi. Multiply the number determined under subparagraph x by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
 - xii. Multiply the number determined under subparagraph xi by 0.2.
 - xiii. Subtract the number determined under subparagraph viii from the number determined under subparagraph xi.
 - xiv. If the number determined under subparagraph xiii is zero or a negative number or if the number determined under subparagraph i is zero, the top-up amount for school operations for the school is zero. Otherwise, the top-up amount for school operations for the school is the lesser of the number determined under subparagraph xii and the number determined under subparagraph xiii.
18. Total the top-up amounts for school operations determined under paragraph 17 for each of the secondary schools of the board.
19. Total the amounts determined for the board under paragraphs 14, 16 and 18 to obtain the amount for the board for school operations.
- (4) For the purposes of paragraph 3 of subsection (3), the Minister shall approve a supplementary elementary school area factor for a board that the Minister considers appropriate in order to make allowance for any disproportionate space needs that are particular to the board and that are caused by,
- (a) the fact that the board is operating a school that can reasonably be considered to be too large for the community it serves, whether because of declining enrolment or for some other reason;
 - (b) the fact that the board is operating a school in a building, the physical characteristics of which can reasonably be considered to be neither compatible with nor easily modified to conform to the benchmark area requirements referred to in subsection (3);
 - (c) the fact that the board has disproportionately high space requirements because the board serves a disproportionately high number of pupils in special education programs or in other education programs with high space requirements; or
 - (d) other circumstances approved by the Minister.
- (5) In determining an amount for the purposes of subsection (4), the Minister shall have regard to the effect of the circumstances referred to in clauses (4) (a) to (d) on the board's space needs.
- (6) Subject to subsection (7), subsections (4) and (5) apply with necessary modifications to require the Minister to approve a supplementary continuing education and other programs area factor for a board and, for that purpose, a reference to elementary school area is deemed to be a reference to continuing education and other programs area.
- (7) The Minister shall not approve a factor for a board under subsection (6) that is greater than the factor approved for the board under subsection (8).
- (8) Subsections (4) and (5) apply with necessary modifications to require the Minister to approve a supplementary secondary school area factor for a board and, for that purpose, a reference to elementary school area is deemed to be a reference to secondary school area.
- (9) The amount for the board for school renewal is determined as follows:
- 1. Take the percentage of the total elementary school area of the board that relates to buildings that are less than 20 years old, as set out in Column 2 of Table 6 opposite the name of the board.
 - 2. Apply the percentage referred to in paragraph 1 to the benchmark renewal cost per metre squared of \$6.89.
 - 3. Take the percentage of the total elementary school area of the board that relates to buildings that are 20 years old or older, as set out in Column 3 of Table 6 opposite the name of the board.
 - 4. Apply the percentage referred to in paragraph 3 to the benchmark renewal cost per metre squared of \$10.33.
 - 5. Add the amounts obtained under paragraphs 2 and 4, to obtain a weighted average benchmark elementary school renewal cost per metre squared.
 - 6. Multiply the amount obtained under paragraph 5 by the adjusted elementary school area requirement for the board determined under paragraph 3 of subsection (3).
 - 7. Take the percentage of the total secondary school area of the board that relates to buildings that are less than 20 years old, set out in Column 4 of Table 6 opposite the name of the board.

8. Apply the percentage referred to in paragraph 7 to the benchmark renewal cost per metre squared of \$6.89.
9. Take the percentage of the total secondary school area of the board that relates to buildings that are 20 years old or older, as set out in Column 5 of Table 6 opposite the name of the board.
10. Apply the percentage referred to in paragraph 9 to the benchmark renewal cost per metre squared of \$10.33.
11. Add the amounts obtained under paragraphs 8 and 10, to obtain a weighted average benchmark secondary school renewal cost per metre squared.
12. Multiply the amount obtained under paragraph 11 by the adjusted secondary school area requirement for the board determined under paragraph 12 of subsection (3).
13. Multiply the amount obtained under paragraph 11 by the adjusted continuing education and other programs area requirement for the board determined under paragraph 9 of subsection (3).
14. For each elementary school of the board, calculate a top-up amount for school renewal, as follows:
 - i. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils of the board enrolled in the school.
 - ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However, the capacity of a school for which the number determined under subparagraph i is zero is deemed, for the purposes of this paragraph, to be zero.
 - iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 9.29 metres squared.
 - iv. Multiply the number determined under subparagraph iii by the weighted average benchmark elementary school renewal cost per metre squared, as determined for the board under paragraph 5.
 - v. Multiply the number determined under subparagraph iv by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
 - vi. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 9.29 metres squared.
 - vii. Multiply the number determined under subparagraph vi by the weighted average benchmark elementary school renewal cost per metre squared, as determined for the board under paragraph 5.
 - viii. Multiply the number determined under subparagraph vii by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
 - ix. Multiply the number determined under subparagraph viii by 0.2.
 - x. Subtract the number determined under subparagraph v from the number determined under subparagraph viii.
 - xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the top-up amount for school renewal for the school is zero. Otherwise, the top-up amount for school renewal for the school is the lesser of the number determined under subparagraph ix and the number determined under subparagraph x.
15. Total the top-up amounts for school renewal determined under paragraph 14 for each of the elementary schools of the board.
16. For each secondary school of the board, calculate a top-up amount for school renewal, as follows:
 - i. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils of the board enrolled in the school.
 - ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However, the capacity of a school for which the number determined under subparagraph i is zero is deemed, for the purposes of this paragraph, to be zero.
 - iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 12.07 metres squared.
 - iv. Multiply the number determined under subparagraph iii by the weighted average benchmark secondary school renewal cost per metre squared, as determined for the board under paragraph 11.
 - v. Multiply the number determined under subparagraph iv by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
 - vi. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 12.07 metres squared.

- vii. Multiply the number determined under subparagraph vi by the weighted average benchmark secondary school renewal cost per metre squared, as determined for the board under paragraph 11.
 - viii. Multiply the number determined under subparagraph vii by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
 - ix. Multiply the number determined under subparagraph viii by 0.2.
 - x. Subtract the number determined under subparagraph v from the number determined under subparagraph viii.
 - xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the top-up amount for school renewal for the school is zero. Otherwise, the top-up amount for school renewal for the school is the lesser of the number determined under subparagraph ix and the number determined under subparagraph x.
17. Total the top-up amounts for school renewal determined under paragraph 16 for each of the secondary schools of the board.
 18. Add the amounts obtained under paragraphs 6, 12, 13, 15 and 17.
 19. Add the amount determined under paragraph 18 to the amount for school renewal enhancement set out opposite the name of the board in Table 7 to obtain the amount for the board for school renewal.
- (10) The amount for the board for the fiscal year for new pupil places is determined as follows:
1. Determine the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
 2. Subtract the elementary capacity for the board, in terms of pupil places, as determined by the Minister in accordance with subsection (19), from the number determined under paragraph 1.
 3. Add to the number determined under paragraph 2 the sum of all numbers, if any, each of which is the number of the board's new pupil places to meet elementary enrolment pressure for an elementary school of the board, as calculated for the purposes of determining the amount for the board for new pupil places for a prior fiscal year.
 4. If the number determined under paragraph 2 is a positive number, multiply the number determined under paragraph 3 by the benchmark area requirement of 9.29 metres squared.
 5. Multiply the product obtained under paragraph 4 by the benchmark construction cost of \$118.40 per metre squared.
 6. If the number obtained under paragraph 2 is zero or a negative number, calculate the sum of,
 - i. the total of all numbers, if any, each of which is the number of the board's new pupil places to meet elementary enrolment pressure for an elementary school of the board, as calculated for the purposes of determining the amount for the board for new pupil places for a prior fiscal year, and
 - ii. the number, if any, of the board's new pupil places to meet elementary enrolment pressure,
 7. Multiply the sum determined under paragraph 6 by the benchmark area requirement of 9.29 metres squared.
 8. Multiply the product obtained under paragraph 7 by the benchmark construction cost of \$118.40 per metre squared.
 9. Take the sum of the numbers of new elementary pupil places for capital transitional adjustment set out in Column 4 of Table 8, opposite the name of the board.
 10. Multiply the amount determined under paragraph 9 by the benchmark area requirement of 9.29 metres squared.
 11. Multiply the product determined under paragraph 10 by the benchmark construction cost of \$118.40 per metre squared.
 12. Take the number, if any, of the board's new pupil places in respect of its elementary schools for which the cost of repair is prohibitive as calculated under subsection 36 (15) of Ontario Regulation 156/02.
 13. Add the number, if any, of the board's new pupil places in respect of its elementary schools for which the cost of repair is prohibitive as calculated under subsection (15) to the number determined under paragraph 12.
 14. Multiply the amount determined under paragraph 13 by the benchmark area requirement of 9.29 metres squared.
 15. Multiply the product determined under paragraph 14 by the benchmark construction cost of \$118.40 per metre squared.
 16. Determine the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
 17. Subtract the secondary capacity for the board, in terms of pupil places, as determined by the Minister in accordance with subsection (19), from the number determined under paragraph 16.
 18. Add to the number determined under paragraph 17 the sum of all numbers, if any, each of which is the number of the board's new pupil places to meet secondary enrolment pressure for a secondary school of the board, as calculated for the purposes of determining the amount for the board for new pupil places for a prior fiscal year.

19. If the number determined under paragraph 17 is a positive number, multiply the number determined under paragraph 18 by the benchmark area requirement of 12.07 metres squared.
20. Multiply the product obtained under paragraph 19 by the benchmark construction cost of \$129.17 per metre squared.
21. If the number determined under paragraph 17 is zero or a negative number, calculate the sum of,
 - i. the total of all numbers, if any, each of which is the number of the board's new pupil places to meet secondary enrolment pressure for a secondary school of the board, as calculated for the purposes of determining the amount for the board for new pupil places for a prior fiscal year, and
 - ii. the number, if any, of the board's new pupil places to meet secondary enrolment pressure.
22. Multiply the sum determined under paragraph 21 by the benchmark area requirement of 12.07 metres squared.
23. Multiply the product determined under paragraph 22 by the benchmark construction cost of \$129.17 per metre squared.
24. Take the sum of the numbers of new secondary pupil places for the capital transitional adjustment set out in Column 5 of Table 8, opposite the name of the board.
25. Multiply the amount determined under paragraph 24 by the benchmark area requirement of 12.07 metres squared.
26. Multiply the product obtained under paragraph 25 by the benchmark construction cost of \$129.17 per metre squared.
27. Take the number, if any, of the board's new pupil places in respect of its secondary schools for which the cost of repair is prohibitive as calculated under subsection 36 (17) of Ontario Regulation 156/02.
28. Add the number, if any, of the board's new pupil places in respect of its secondary schools for which the cost of repair is prohibitive as calculated under subsection (17) to the number determined under paragraph 27.
29. Multiply the amount determined under paragraph 28 by the benchmark area requirement of 12.07 metres squared.
30. Multiply the product determined under paragraph 29 by the benchmark construction cost of \$129.17 per metre squared.
31. Add the products obtained under paragraphs 5, 8, 11, 15, 20, 23, 26 and 30.
32. Multiply the sum obtained under paragraph 31 by the geographic adjustment factor specified for the board in Table 9.
33. If the product obtained in paragraph 32 exceeds \$20 million, reduce the amount to \$20 million.
34. If the Minister is satisfied that, by August 31, 2003, the board has begun construction that has a total value of \$200 million or more on projects referred to in the New School Facilities Report set out at page 23 of the memorandum from the Deputy Minister of Education to Directors of Education dated January 7, 2000, entitled "Accountability Framework — Pupil Accommodation Grant" and available for public inspection at the offices of the Ministry of Education, 900 Bay Street, Toronto, Ontario, M7A 1L2, and that the construction is to be financed in whole or in part with amounts calculated for the board under this subsection or a predecessor of this subsection, an amount calculated as follows is added to the amount calculated under paragraph 33, to obtain the amount for the board for new pupil places:
 - i. Subtract \$20 million from the amount determined under subsection 36 (10) of Ontario Regulation 156/02 if no amount was added under paragraph 26 of that subsection in respect of the board. If the difference is a negative number, it is deemed to be zero.
 - ii. Subtract \$20 million from the amount determined under subsection 36 (10) of Ontario Regulation 154/01 if no amount was added under paragraph 24 of that subsection in respect of the board. If the difference is a negative number, it is deemed to be zero.
 - iii. Subtract \$20 million from the amount determined under subsection 37 (10) of Ontario Regulation 170/00 if no amount was added under paragraph 12 of that subsection in respect of the board. If the difference is a negative number, it is deemed to be zero.
 - iv. Subtract \$20 million from the amount determined under subsection 38 (11) of Ontario Regulation 214/99. If the difference is a negative number, it is deemed to be zero.
 - v. Subtract \$20 million from the amount determined in paragraph 10 of subsection 37 (8) of Ontario Regulation 287/98. If the difference is a negative number, it is deemed to be zero.
 - vi. Add the amounts determined under subparagraphs i, ii, iii, iv and v.
 - vii. Divide the sum determined under subparagraph vi by \$11,696 and round the quotient to one decimal place.
 - viii. Multiply the amount determined under subparagraph vii by the benchmark area requirement of 9.29 metres squared.

- ix. Multiply the product determined under subparagraph viii by the benchmark construction cost of \$118.40 per metre squared.
- x. Subtract \$20 million from the product obtained under paragraph 32. If the difference is a negative number, it is deemed to be zero.
- xi. Add the difference obtained under subparagraph x to the product obtained under subparagraph ix.

(11) The number, if any, of the board's new pupil places to meet elementary enrolment pressure is the sum of the numbers calculated under subsection (12) for each elementary school of the board in respect of which the conditions in the following paragraphs are satisfied:

1. The 2002-2003 enrolment of the school exceeded by at least 100 the sum of,
 - i. the 2002-2003 reported capacity of the school, and
 - ii. the number of the board's new pupil places to meet elementary enrolment pressure for the school calculated under subsection 36 (12) of Ontario Regulation 156/02.
2. The 2001-2002 enrolment of the school exceeded by at least 100 the sum of,
 - i. the 2001-2002 reported capacity of the school, and
 - ii. the number of the board's new pupil places to meet elementary enrolment pressure for the school calculated under subsection 36 (12) of Ontario Regulation 154/01.
3. The number of the board's new pupil places to meet elementary enrolment pressure that would be determined for the school under subsection (12) exceeds the amount calculated using the formula,

$$A - B$$

in which,

"A" is the sum of the 2002-2003 reported capacities of all other elementary schools of the board located not more than eight kilometres by road from the school and the total of all amounts calculated under subsection 36 (12) of Ontario Regulation 156/02 in respect of those other schools, and

"B" is the sum of the 2002-2003 enrolment of the other schools mentioned in "A".

(12) The number of the board's new pupil places to meet elementary enrolment pressure for each elementary school is the average of,

- (a) the amount by which the 2002-2003 enrolment of the school exceeds the sum of,
 - (i) the 2002-2003 reported capacity of the school, and
 - (ii) the number of the board's new pupil places to meet elementary enrolment pressure for the school calculated under subsection 36 (12) of Ontario Regulation 156/02; and
- (b) the amount by which the 2001-2002 enrolment of the school exceeded the sum of,
 - (i) the 2001-2002 reported capacity of the school, and
 - (ii) the number of the board's new pupil places to meet elementary enrolment pressure for the school calculated under subsection 36 (12) of Ontario Regulation 154/01.

(13) The number, if any, of the board's new pupil places to meet secondary enrolment pressure is the sum of the numbers calculated under subsection (14) for each secondary school of the board in respect of which the conditions in the following paragraphs are satisfied:

1. The 2002-2003 enrolment of the school exceeded by at least 100 the sum of,
 - i. the 2002-2003 reported capacity of the school, and
 - ii. the number of the board's new pupil places to meet secondary enrolment pressure for the school calculated under subsection 36 (14) of Ontario Regulation 156/02.
2. The 2001-2002 enrolment of the school exceeded by at least 100 the sum of,
 - i. the 2001-2002 reported capacity of the school, and
 - ii. the number of the board's new pupil places to meet secondary enrolment pressure for the school calculated under subsection 36 (14) of Ontario Regulation 154/01.
3. The number of the board's new pupil places to meet secondary enrolment pressure that would be determined for the school under subsection (14) exceeds the amount calculated using the formula,

$$A - B$$

in which,

"A" is the sum of the 2002-2003 reported capacities of all other secondary schools of the board located not more than 32 kilometres by road from the school and the total of all amounts calculated under subsection 36 (14) of Ontario Regulation 156/02 in respect of those other schools, and

"B" is the sum of the 2002-2003 enrolment of the other schools mentioned in "A".

(14) The number of the board's new pupil places to meet secondary enrolment pressure for each secondary school is the average of,

- (a) the amount by which the 2002-2003 enrolment of the school exceeded the sum of,
 - (i) the 2002-2003 reported capacity of the school, and
 - (ii) the number of the board's new pupil places to meet secondary enrolment pressure for the school calculated under subsection 36 (14) of Ontario Regulation 156/02; and
- (b) the amount by which the 2001-2002 enrolment of the school exceeded the sum of,
 - (i) the 2001-2002 reported capacity of the school, and
 - (ii) the number of the board's new pupil places to meet secondary enrolment pressure for the school calculated under subsection 36 (14) of Ontario Regulation 154/01.

(15) The number, if any, of the board's new pupil places in respect of its elementary schools for which the cost of repair is prohibitive is the sum of the board's new pupil places determined under subsection (16) for each elementary school of the board in respect of which the conditions in the following paragraphs are satisfied:

1. The school is listed in Table 10.
2. The number of the board's new pupil places in respect of the school that would be determined under subsection (16) exceeds the amount calculated using the formula,

$$A - B$$

in which "A" and "B" have the same meaning as in paragraph 3 of subsection (11).

(16) The number of the board's new pupil places in respect of an elementary school for which the cost of repair is prohibitive is the greater of,

- (a) the average of the 2001-2002 day school average daily enrolment for the school and the 2002-2003 day school average daily enrolment for the school; and
- (b) 200.

(17) The number, if any, of the board's new pupil places in respect of its secondary schools for which the cost of repair is prohibitive is the sum of the board's new pupil places determined under subsection (18) for each secondary school of the board in respect of which the conditions in the following paragraphs are satisfied:

1. The school is listed in Table 10.
2. The number of the board's new pupil places in respect of the school that would be determined under subsection (18) exceeds the amount calculated using the formula,

$$A - B$$

in which "A" and "B" have the same meaning as in paragraph 3 of subsection (13).

(18) The number of the board's new pupil places in respect of a secondary school for which the cost of repair is prohibitive is the greater of,

- (a) the average of the 2001-2002 day school average daily enrolment for the school and the 2002-2003 day school average daily enrolment for the school; and
- (b) 500.

(19) For the purposes of paragraphs 2 and 13 of subsection (10) of this section, the elementary capacity and secondary capacity for the board are, respectively, the elementary capacity and secondary capacity determined for the board under Ontario Regulation 156/02 subject to the following adjustments:

1. If applicable, adjust the elementary capacity or secondary capacity determined for the board under Ontario Regulation 156/02 in accordance with subsection (21).
 2. If applicable, adjust the result determined under paragraph 1 in accordance with subsections (23), (24), (26), (27), (31), (32), (34), (35), (37) to (46), (48) and (50).
- (20) The Minister shall determine loadings and categories of instructional space as follows:

1. Using school facilities data, the Minister shall identify categories of instructional space. In identifying categories of instructional space, the Minister shall have regard to but is not limited to the categories identified in the Report of the Pupil Accommodation Review Committee, dated August, 1998, which Report was released by the Ministry to school boards in September of 1998 and is available for public inspection at the offices of the Ministry of Education, 900 Bay Street, Toronto, Ontario, M7A 1L2.
2. The Minister shall assign a loading to each category of instructional space identified under paragraph 1, based on the number of pupils that can reasonably be accommodated in each category of instructional space. In determining the number, the Minister shall consider the factors that are, in his or her opinion, relevant, including but not limited to factors relating to the physical characteristics of the category of instructional space and the class size requirements of section 170.1 of the Act.

(21) The Minister shall make such adjustments under paragraph 1 of subsection (19) of this section as the Minister considers appropriate to take account of funds received by one board from another board in connection with a determination made under Ontario Regulation 460/97 respecting the disposition of an asset of an old board.

(22) Subsection (23) or (24) applies in relation to an elementary or secondary school of a board if, in the 2002 calendar year, the board,

- (a) issued a proposal under Ontario Regulation 444/98 to dispose of the school at no cost to the Ontario Realty Corporation or to a board; or
- (b) notified the Minister in writing that the school will be disposed of in accordance with an order of the former Education Improvement Commission under Ontario Regulation 460/97.

(23) The elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school of the board to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Total the amounts determined under paragraph 1 for elementary schools of the board.
3. Subtract the total determined under paragraph 2 from the elementary capacity determined for the board under subsection (19).

(24) The secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school of the board to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Total the amounts determined under paragraph 1 for secondary schools of the board.
3. Subtract the total determined under paragraph 2 from the secondary capacity determined for the board under subsection (19).

(25) Subsection (26) or (27) applies in relation to an elementary or secondary school of the board if,

- (a) the school is acquired by the board as a result of a proposal issued by another board in the 2002 calendar year under Ontario Regulation 444/98 to dispose of the school at no cost; and
- (b) subsections (31) and (32) do not apply to the school.

(26) The elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school of the board to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Total the amounts determined under paragraph 1 for the elementary schools of the board.
3. Add the total determined under paragraph 2 to the elementary capacity determined for the board under subsection (19).

(27) The secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school of the board to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Total the amounts determined under paragraph 1 for the secondary schools of the board.
3. Add the total determined under paragraph 2 to the secondary capacity determined for the board under subsection (19).

(28) Subsection (31) or (32) applies in relation to an elementary or secondary school of the board if all of the following conditions are satisfied:

1. The school is acquired by the board as a result of a proposal issued by another board in the 2002 calendar year under Ontario Regulation 444/98 to dispose of the school at no cost.

2. Within 30 days after offering to acquire the school at no cost, the board notifies the Minister in writing of the offer and provides such information and material as the Minister may require to verify that the acquisition of the school,
 - i. is consistent with the long-term accommodation plan of the board,
 - ii. would benefit the pupils of the board,
 - iii. would result in more effective use of public assets, and
 - iv. would reduce the need of the board for the construction of new school facilities.

(29) Subsection (31) applies in relation to an elementary school of the board if the school provides pupil accommodation for elementary school pupils during the fiscal year and is located in a municipality or former municipality set out in Column 2 of Table 8 opposite the name of the board in Column 1 of that Table and opposite a number greater than zero in Column 4 of that Table.

(30) Subsection (32) applies in relation to a secondary school of the board if the school provides pupil accommodation for secondary school pupils during the fiscal year and is located in a municipality or former municipality set out in Column 2 of Table 8 opposite the name of the board in Column 1 of that Table and opposite a number greater than zero in Column 5 of that Table.

(31) The elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in that school.
3. Take the lesser of the amounts determined for the school under paragraphs 1 and 2.
4. Total the amounts determined under paragraph 3 for each of the elementary schools to which this subsection applies.
5. Add the total determined under paragraph 4 to the elementary capacity determined for the board under subsection (19).

(32) The secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in that school.
3. Take the lesser of the amounts determined for the school under paragraphs 1 and 2.
4. Total the amounts determined under paragraph 3 for each of the secondary schools to which this subsection applies.
5. Add the total determined under paragraph 4 to the secondary capacity determined for the board under subsection (19).

(33) Subsection (34) or (35) applies in relation to an elementary or secondary school of a board if,

- (a) in the 2002 calendar year, the board agreed with another board to dispose of the elementary school or secondary school of the board to the other board, in consideration for the conveyance to it of an elementary school or secondary school of the other board;
- (b) the agreement referred to in clause (a) was not an agreement that implemented an order of the Education Improvement Commission; and
- (c) before the agreement referred to in clause (a) was entered into, the Minister indicated in writing that, in his or her opinion, the transfer provided for by the agreement,
 - (i) is consistent with the long-term accommodation plans of both boards,
 - (ii) would benefit pupils of both boards,
 - (iii) would result in more effective use of public assets, and
 - (iv) would reduce the needs of both boards for the construction of new school facilities.

(34) The elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school of the board to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Total the amounts determined under paragraph 1 for elementary schools of the board.
3. Subtract the total determined under paragraph 2 from the elementary capacity determined for the board under subsection (19).

(35) The secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school of the board to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Total the amounts determined under paragraph 1 for secondary schools of the board.
3. Subtract the total determined under paragraph 2 from the secondary capacity determined for the board under subsection (19).

(36) Subsection (37) or (38) applies in relation to an elementary or secondary school of a board acquired in the circumstances described in subsection (33).

(37) The elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school of the board acquired in the circumstances described in subsection (33), apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils of the board enrolled in the school.
3. Subtract the amount determined under paragraph 2 from the amount determined under paragraph 1. If the difference is a negative number, it is deemed to be zero.
4. Total the amounts determined under paragraph 3 for elementary schools of the board.
5. Subtract the total determined under paragraph 4 from the elementary capacity determined for the board under subsection (19).

(38) The secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school of the board acquired in the circumstances described in subsection (33), apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils of the board enrolled in the school.
3. Subtract the amount determined under paragraph 2 from the amount determined under paragraph 1. If the difference is a negative number, it is deemed to be zero.
4. Total the amounts determined under paragraph 3 for secondary schools of the board.
5. Subtract the total determined under paragraph 4 from the secondary capacity determined for the board under subsection (19).

(39) If the board has an elementary school that it acquired after December 31, 1998 and before the start of the fiscal year in circumstances described in subsection (33), the elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school acquired, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in that school.
3. Subtract the amount determined under paragraph 2 from the amount determined under paragraph 1. If the difference is a negative number, it is deemed to be zero.
4. Total the amounts determined under paragraph 3 for each of the elementary schools acquired.
5. Subtract the amount determined under paragraph 4 from the total of the amounts determined for the board under the provisions comparable to this subsection in the regulations made under section 234 of the Act in respect of grants payable to boards for previous fiscal years.
6. Add the difference determined under paragraph 5 to the elementary capacity determined for the board under subsection (19).

(40) If the board has a secondary school that it acquired after December 31, 1998 and before the start of the fiscal year in circumstances described in subsection (33), the secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school acquired, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in that school.

3. Subtract the amount determined under paragraph 2 from the amount determined under paragraph 1. If the difference is a negative number, it is deemed to be zero.
4. Total the amounts determined under paragraph 3 for each of the secondary schools acquired.
5. Subtract the amount determined under paragraph 4 from the total of the amounts determined for the board under the provisions comparable to this subsection in the regulations made under section 234 of the Act in respect of grants payable to boards for previous fiscal years.
6. Add the difference determined under paragraph 5 to the secondary capacity determined for the board under subsection (19).

(41) The elementary capacity determined for the board under subsection (19) is adjusted by adding the number, if any, of new pupil places to meet elementary enrolment pressure as determined under subsection (11).

(42) The secondary capacity determined for the board under subsection (19) is adjusted by adding the number, if any, of new pupil places to meet secondary enrolment pressure as determined under subsection (13).

(43) The elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school of the board listed in Table 10, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized in subsection (20).
2. Total the amounts determined under paragraph 1 for the elementary schools of the board.
3. Subtract the total determined under paragraph 2 from the elementary capacity determined for the board under subsection (19).

(44) The secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school of the board listed in Table 10, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized in subsection (20).
2. Total the amounts determined under paragraph 1 for the secondary schools of the board.
3. Subtract the total determined under paragraph 2 from the secondary capacity determined for the board under subsection (19).

(45) The elementary capacity determined for the board under subsection (19) is adjusted by adding the number, if any, of new pupil places in respect of elementary schools for which the cost of repair is prohibitive, as determined under subsection (15).

(46) The secondary capacity determined for the board under subsection (19) is adjusted by adding the number, if any, of new pupil places in respect of secondary schools for which the cost of repair is prohibitive, as determined under subsection (17).

(47) Subsection (48) applies in relation to an elementary school of the board described in a provision comparable to subsection (28) or (29) in the regulations made under subsection 234 of the Act in respect of grants payable to boards for previous fiscal years.

(48) The elementary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each elementary school to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in that school.
3. Subtract the amount determined under paragraph 2 from the amount determined under paragraph 1 for that school. If the difference is a negative number, it is deemed to be zero.
4. Total the amounts determined under paragraph 3 for each of the elementary schools to which this subsection applies.
5. Subtract the amount determined under paragraph 4 from the total of the amounts determined for previous fiscal years for the board under provisions comparable to subsection (31) in the regulations made under section 234 of the Act in respect of grants payable to boards for previous fiscal years.
6. Add the difference determined under paragraph 5 to the elementary capacity for the board determined under subsection (19).

(49) Subsection (50) applies in relation to a secondary school of the board described in a provision comparable to subsection (28) or (30) in the regulations made under subsection 234 of the Act in respect of grants payable to boards for previous fiscal years.

(50) The secondary capacity determined for the board under subsection (19) is adjusted as follows:

1. For each secondary school to which this subsection applies, apply the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20).
2. Determine the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in that school.
3. Subtract the amount determined under paragraph 2 from the amount determined under paragraph 1 for that school. If the difference is a negative number, it is deemed to be zero.
4. Total the amounts determined under paragraph 3 for each of the secondary schools to which this subsection applies.
5. Subtract the amount determined under paragraph 4 from the total of the amounts determined for previous fiscal years for the board under the provisions comparable to subsection (32) in the regulations made under section 234 of the Act in respect of grants payable to boards for previous fiscal years.
6. Add the difference determined under paragraph 5 to the secondary capacity for the board determined under subsection (19).

(51) The amount for the board for outstanding capital commitments is determined as follows:

1. Take the number of elementary school pupil places shown in Column 2 of Table 11, opposite the name of the board.
2. Multiply the number taken under paragraph 1 by the benchmark area requirement per pupil of 9.29 metres squared.
3. Multiply the product obtained under paragraph 2 by the benchmark construction cost of \$118.40 per metre squared.
4. Take the number of secondary school pupil places shown in Column 3 of Table 11, opposite the name of the board.
5. Multiply the number taken under paragraph 4 by the benchmark area requirement per pupil of 12.07 metres squared.
6. Multiply the product obtained under paragraph 5 by the benchmark construction cost of \$129.17 per metre squared.
7. Add the products obtained under paragraphs 3 and 6.

(52) For the purposes of paragraphs 15 and 17 of subsection (3) and paragraphs 14 and 16 of subsection (9), the capacity of an elementary school or secondary school is determined by,

- (a) applying the loadings determined under subsection (20) to the instructional spaces of the school, as categorized under subsection (20); and
- (b) subtracting, from the amount determined under clause (a), the number of new pupil places determined under subsection (15), in the case of an elementary school, or under subsection (17), in the case of a secondary school.

(53) In this section,

“2001-2002 enrolment” means, in respect of a school operated by a board, the 2001-2002 day school average daily enrolment of pupils of the board, within the meaning of Ontario Regulation 152/01, counting only pupils enrolled in the school; (“effectif de 2001-2002”)

“2001-2002 reported capacity” means, in respect of a school operated by a board, the school capacity as reported in Appendix C to the board’s 2001-2002 financial statements prepared and submitted to the Minister under the Act; (“capacité d’accueil déclarée pour 2001-2002”)

“2002-2003 enrolment” means, in respect of a school operated by a board, the 2002-2003 day school average daily enrolment of pupils of the board, within the meaning of Ontario Regulation 157/02, counting only pupils enrolled in the school; (“effectif de 2002-2003”)

“2002-2003 reported capacity” means, in respect of a school operated by a board, the school capacity as reported in Appendix C to the board’s 2002-2003 financial statements prepared and submitted to the Minister under the Act; (“capacité d’accueil déclarée pour 2002-2003”)

“2003-2004 enrolment” means, in respect of a school operated by a board, the 2003-2004 day school average daily enrolment of pupils of the board, counting only pupils enrolled in the school; (“effectif de 2003-2004”)

“instructional space” means a space in a school that can reasonably be used for instructional purposes; (“aire d’enseignement”)

“school facilities data” means data relating to boards’ school facilities and includes school floor plans and other data compiled in accordance with the Ministry’s school facilities inventory system. (“données sur les installations scolaires”)

Debt charges allocation

38. (1) The amount of the debt charges allocation for a district school board for the fiscal year is the sum of,

- (a) the total amount of principal and interest paid by the board in the fiscal year in respect of the permanently financed debt of the board;

- (b) the total amount of interest, fees and other charges, exclusive of principal, in respect of the non-permanently financed debt of the board that is paid by the board before the completion of arrangements to permanently refinance the debt; and
- (c) the total amount payable in the fiscal year in respect of the financing arranged to refinance the board's non-permanently financed debt, including the amount of any payments required to be made in the year to a reserve account or sinking fund and the amount of reasonable expenses.

(2) In this section,

“non-permanently financed debt” means, in relation to a district school board, the amount as of August 31, 2001 that is listed in Column (e) under the heading “Not Permanently Financed” opposite the name of the board in Table 2, “Capital Related Debt Eligible for Funding Support, by District School Board”, in the document entitled *School Board Capital Related Debt (June 17, 2002)*, published by the Ministry and available on the School Facilities Inventory System Website (sfis.edu.gov.on.ca) and at the Business Services Branch of the Ministry of Education, Mowat Block, 21st Floor, 900 Bay Street, Toronto, Ontario, M7A 1L2; (“dette sans financement permanent”)

“permanently financed debt” means, in respect of a board, the amount, as of August 31, 2001 that is listed in Column (d) under the heading “Permanently Financed” opposite the name of the board in Table 2, “Capital Related Debt Eligible for Funding Support, by District School Board”, in the document entitled *School Board Capital Related Debt (June 17, 2002)*, published by the Ministry and available on the School Facilities Inventory System Website (sfis.edu.gov.on.ca) and at the Business Services Branch of the Ministry of Education, Mowat Block, 21st Floor, 900 Bay Street, Toronto, Ontario, M7A 1L2. (“dette avec financement permanent”)

Adjustment for declining enrolment

39. (1) The amount of a district school board's adjustment for declining enrolment for the fiscal year for the purposes of section 11 is the sum of,

- (a) the product of 0.5 multiplied by the amount of the board's adjustment for declining enrolment as determined under section 38 of Ontario Regulation 156/02; and
- (b) the board's additional adjustment, if any, determined under subsection (3), if the board is entitled to an additional adjustment for the fiscal year.

(2) A board is entitled to an additional adjustment for the fiscal year for the purposes of determining its adjustment for declining enrolment for the fiscal year under subsection (1) if,

- (a) the amount of the board's additional adjustment would exceed zero; and
- (b) the 2003-2004 day school average daily enrolment of pupils of the board is less than the 2002-2003 day school average daily enrolment of pupils of the board.

(3) The amount of a board's additional adjustment for the fiscal year for the purposes of clause (1) (b) is the amount calculated using the formula,

$$[(A - B) - 0.58(A \times C)] \times D/C$$

in which,

“A” is the amount determined in respect of the board under subsection (4),

“B” is the amount determined in respect of the board under subsection (5),

“C” is the amount determined in respect of the board under subsection (6), and

“D” is the amount determined in respect of the board under subsection (7).

(4) The amount determined under this subsection in respect of a board is the sum of the following amounts determined for the board for its 2002-2003 fiscal year under Ontario Regulation 156/02:

1. The foundation allocation for the fiscal year.
2. The enrolment-based special education amount for the fiscal year.
3. In the case of a French-language district school board, the French as a first language amount included in the board's language allocation for the fiscal year.
4. The small schools allocation for the fiscal year.
5. The remote and rural allocation for the fiscal year.
6. The early learning assistance amount included in the board's learning opportunities allocation for the fiscal year.
7. The early learning allocation for the fiscal year.
8. The administration and governance allocation for the fiscal year.

9. The amount for school operations determined under section 36 of Ontario Regulation 156/02 for the fiscal year.

(5) The amount determined under this subsection in respect of a board is the amount calculated in respect of the board's 2003-2004 fiscal year as follows:

1. Add,

- i. the foundation allocation for the fiscal year,
- ii. the enrolment-based special education amount for the fiscal year,
- iii. in the case of a French-language district school board, the French as a first language amount included in the board's language allocation for the fiscal year,
- iv. the small schools allocation for the fiscal year,
- v. the remote and rural allocation for the fiscal year,
- vi. the early learning assistance amount included in the board's learning opportunities allocation for the fiscal year,
- vii. the early learning allocation for the fiscal year,
- viii. the administration and governance allocation for the fiscal year, and
- ix. the amount for school operations determined under section 37 for the fiscal year.

2. Subtract from the total determined under paragraph 1, the sum of,

- i. the product of the 2003-2004 day school average daily enrolment of pupils of the board and the amount shown in Column 2 of Table 12 opposite the name of the board in Column 1 of that Table, and
- ii. the product of 0.149 and the amount calculated under paragraph 8 of subsection 29 (3).

(6) The amount determined under this subsection in respect of a board is the amount calculated using the following formula,

$$I - E/F$$

in which,

"E" is the 2003-2004 day school average daily enrolment of pupils of the board,

"F" is the 2002-2003 day school average daily enrolment of pupils of the board, as determined under section 2 of Ontario Regulation 157/02, and

"E/F" is rounded to five decimal points.

(7) The amount under this subsection in respect of a board is determined as follows:

- 1. If the amount determined in respect of the board under subsection (6) does not exceed 0.0025, the amount determined under this subsection in respect of the board is calculated using the formula,

$$0.5 \times C$$

in which "C" is the amount determined in respect of the board under subsection (6).

- 2. If the amount determined in respect of the board under subsection (6) is greater than 0.0025 but does not exceed 0.015, the amount determined under this subsection in respect of the board is calculated using the formula,

$$(C - 0.0025) + 0.00125$$

in which "C" is the amount determined in respect of the board under subsection (6).

- 3. If the amount determined in respect of the board under subsection (6) is greater than 0.015, the amount determined under this subsection in respect of the board is calculated using the formula,

$$1.5 \times (C - 0.015) + 0.01375$$

in which "C" is the amount determined in respect of the board under subsection (6).

(8) For the purposes of clause (2) (b), the 2002-2003 day school average daily enrolment of pupils of the board is the day school average daily enrolment of pupils for the board determined under section 2 of Ontario Regulation 157/02.

Compliance

40. Every district school board shall manage its estimates process and its expenditures so as to ensure compliance with the requirements of sections 41 to 44.

41. (1) For the purposes of this section,

- (a) an expenditure by a board is a classroom expenditure if it is an expenditure categorized in the Ministry's Uniform Code of Accounts as a classroom expenditure; and
- (b) an expenditure by a board is a non-classroom expenditure if it is an expenditure categorized in the Ministry's Uniform Code of Accounts as a non-classroom expenditure.

(2) Subject to subsection (8), a district school board shall ensure that its net classroom expenditure amount for the fiscal year, calculated in accordance with subsection (3), is at least equal to its classroom expenditure allocation amount for the fiscal year, calculated in accordance with subsection (5).

(3) The net classroom expenditure amount for a board for the fiscal year is determined as follows:

- 1. Determine the total amount of the board's classroom expenditures in the fiscal year.
- 2. Subtract the amount determined for the board under subsection (4), on account of classroom-related revenue from sources other than legislative grants and school taxes.
- 3. Add the part of the amount that is in the board's reserve fund under subsection 233 (1) of the Act on August 31, 2004, before the transfer under subsection 233 (2) of the Act, that is attributable to classroom expenditures.

(4) The amount on account of classroom-related revenue from sources other than legislative grants and school taxes for the board is the total of the following amounts:

- 1. 68.49 per cent of the total of the board's revenues under sections 3, 5 and 6 of the 2003-2004 fees regulation.
- 2. The total of the amounts spent on classroom expenditures from reserves of the board in the fiscal year.
- 3. The amount of revenue from other sources received by the board in the fiscal year, other than revenue referred to in paragraph 1, that is spent in the fiscal year on expenditures that are classroom expenditures within the meaning of this section.

(5) The classroom expenditure allocation amount for a board for the fiscal year is determined as follows:

- 1. Multiply the percentage specified in Column 2 of Table 13 for foundation allocation by the board's base amount for elementary school pupils.
- 2. Multiply the percentage specified in Column 3 of Table 13 for foundation allocation by the board's base amount for secondary school pupils.
- 3. Determine an amount for the board on account of Native language and French as a first or second language for elementary school pupils, as follows:
 - i. In the case of an English-language district school board, total the amount of the board's French as a second language amount for elementary school pupils and the board's Native language amount for elementary school pupils for the year.
 - ii. In the case of a French-language district school board, total the amounts determined for the board under paragraphs 1 and 3 of section 27 and the board's Native language amount for elementary school pupils of the board for the year.
- 4. Apply the percentage specified in Column 2 of Table 13 for Native language and French as a first or second language to the amount determined for the board under paragraph 3.
- 5. Determine an amount for the board on account of Native language and French as a first or second language for secondary school pupils, as follows:
 - i. In the case of an English-language district school board, total the board's French as a second language amount for secondary school pupils and the board's Native language amount for secondary school pupils for the year.
 - ii. In the case of a French-language district school board, total the amount determined for the board under paragraph 2 of section 27 and the board's Native language amount for secondary school pupils of the board for the year.
- 6. Apply the percentage specified in Column 3 of Table 13 for Native language and French as a first or second language to the amount determined for the board under paragraph 5.
- 7. Determine an amount for the board on account of ESL/ESD/ALF/PDF for elementary school pupils, as follows:
 - i. In the case of an English-language district school board, divide the amount of the board's ESL/ESD amount for the year by the 2003-2004 day school average daily enrolment of pupils of the board and multiply the result by the 2003-2004 day school daily average enrolment of elementary school pupils of the board.

- ii. In the case of a French-language district school board, divide the amount of the board's ALF/PDF amount for the year by the 2003-2004 day school average daily enrolment of pupils of the board and multiply the result by the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
8. Apply the percentage specified in Column 2 of Table 13 for ESL/ESD/ALF/PDF to the amount determined for the board under paragraph 7.
9. Determine an amount for the board on account of ESL/ESD/ALF/PDF for secondary school pupils, as follows:
 - i. In the case of an English-language district school board, divide the amount of the board's ESL/ESD amount for the year by the 2003-2004 day school average daily enrolment of pupils of the board and multiply the result by the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
 - ii. In the case of a French-language district school board, divide the amount of the board's ALF/PDF amount for the year by the 2003-2004 day school average daily enrolment of pupils of the board and multiply the result by the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
10. Apply the percentage specified in Column 3 of Table 13 for ESL/ESD/ALF/PDF to the amount determined for the board under paragraph 9.
11. Multiply the percentage specified in Column 2 of Table 13 for teacher qualification and experience by the board's elementary school teacher qualification and experience allocation for the year.
12. Multiply the percentage specified in Column 3 of Table 13 for teacher qualification and experience by the board's secondary school teacher qualification and experience allocation for the year.
13. Take the part of the board's special education allocation that is generated by elementary school pupils of the board and that is attributable to classroom expenditure.
14. Take the part of the board's special education allocation that is generated by secondary school pupils of the board and that is attributable to classroom expenditure.
15. Multiply the percentage specified in Column 2 of Table 13 for small schools by the amount determined for the board under paragraph 4 of subsection 29 (3).
16. Multiply the percentage specified in Column 3 of Table 13 for small schools to the amount determined for the board under paragraph 8 of subsection 29 (3).
17. Divide the board's remote and rural allocation for the year by the 2003-2004 day school average daily enrolment of pupils of the board and multiply the result by the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
18. Apply the percentage specified in Column 2 of Table 13 for the remote and rural allocation to the amount determined for the board under paragraph 17.
19. Divide the board's remote and rural allocation for the year by the 2003-2004 day school average daily enrolment of pupils of the board and multiply the result by the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
20. Apply the percentage specified in Column 3 of Table 13 for the remote and rural allocation to the amount determined for the board under paragraph 19.
21. Multiply the percentage specified in Column 2 of Table 13 for early learning by the amount of the board's early learning allocation for the year.
22. Add the amount set out in Column 2 of Table 4 opposite the name of the board and the amount calculated for the board for the fiscal year under paragraph 4 of subsection 31 (4).
23. Add together,
 - i. the product determined by multiplying the amount determined under paragraph 22 by the quotient obtained by dividing the 2003-2004 day school average daily enrolment of elementary school pupils of the board by the 2003-2004 day school average daily enrolment of pupils of the board,
 - ii. the sum of the amounts determined for the board for the fiscal year under paragraphs 2 and 8 of subsection 31 (4), and
 - iii. the product determined by multiplying \$122 by the 2003-2004 day school average daily enrolment of elementary school pupils of the board, counting only pupils enrolled in junior kindergarten, kindergarten and grades 1 to 3.
24. Apply the percentage specified in Column 2 of Table 13 for learning opportunities to the sum determined under paragraph 23.
25. Multiply the sum determined under paragraph 22 by the quotient obtained by dividing the 2003-2004 day school average daily enrolment of secondary school pupils of the board by the 2003-2004 day school average daily enrolment of pupils of the board.

20. Add,

- i. the amount determined under paragraph 25, and
 - ii. the sum of the amounts determined for the board for the fiscal year under paragraphs 1 and 6 of subsection 31 (4).
27. Apply the percentage specified in Column 3 of Table 13 for learning opportunities to the sum determined under paragraph 26.
 28. Multiply the enrolment number determined for the board under paragraph 1 of subsection 32 (1) by \$2,429, to determine an adult day school amount for the board.
 29. Apply the percentage specified in Column 3 of Table 13 for adult day school to the amount determined for the board under paragraph 28.
 30. Total the amounts determined for the board under paragraphs 1, 4, 8, 11, 13, 15, 18, 21 and 24.
 31. Total the amounts determined for the board under paragraphs 2, 6, 10, 12, 14, 16, 20, 27 and 29.
 32. Multiply the portion of the OMERS savings for the board reasonably attributed by the board to elementary school pupils in the fiscal year by the portion of those savings attributable to elementary school classroom expenditures in the fiscal year.
 33. Deduct the amount determined under paragraph 32 from the amount determined under paragraph 30.
 34. Multiply the amount by which the amount determined in respect of the board under clause 45 (a) exceeds the amount determined in respect of the board under clause 45 (b) by the ratio of the 2002-2003 day school average daily enrolment of elementary school pupils of the board to the 2002-2003 day school average daily enrolment of pupils of the board.
 35. Multiply the amount determined under paragraph 34 by the percentage specified in Column 2 of Table 13 for foundation allocation.
 36. Deduct the amount determined under paragraph 35 from the amount determined under paragraph 33.
 37. Multiply the portion of the OMERS savings for the board reasonably attributed by the board to secondary school pupils in the fiscal year by the portion of those savings attributable to secondary school classroom expenditures in the fiscal year.
 38. Deduct the amount determined under paragraph 37 from the amount determined under paragraph 31.
 39. Multiply the amount by which the amount determined in respect of the board under clause 45 (a) exceeds the amount determined in respect of the board under clause 45 (b) by the ratio of the 2002-2003 day school average daily enrolment of secondary school pupils of the board to the 2002-2003 day school average daily enrolment of pupils of the board.
 40. Multiply the amount determined under paragraph 39 by the percentage specified in Column 3 of Table 13 for foundation allocation.
 41. Deduct the amount determined under paragraph 40 from the amount determined under paragraph 38.
 42. Calculate the sum of the amounts determined for the board under paragraphs 36 and 41.
 43. Add to the amount determined under paragraph 42 the portion of the board's flexibility fund, if any,
 - i. that is not allocated under paragraph 2 of subsection 44 (2), and
 - ii. that is allocated by the board to the classroom expenditure allocation amount for the fiscal year.

(6) For the purposes of subsection (5), the sum of the portion of the OMERS savings for the board attributed to elementary school pupils and the portion of the OMERS savings for the board attributed to secondary school pupils shall not exceed the OMERS savings.

(7) If a board's classroom expenditure allocation for the fiscal year, calculated in accordance with subsection (5), exceeds its net classroom expenditure amount for the fiscal year, calculated in accordance with subsection (3), the board is deemed to be in compliance with subsection (2) if it can demonstrate in the material submitted to the Ministry under clause 231 (11) (c) of the Act that the excess is accounted for by reason of,

- (a) amounts placed in a reserve fund for classroom expenditures; or
- (b) expenditures other than non-classroom expenditures.

(8) For the purposes of subsection (7),

- (a) 91.7 per cent of any amount placed in a reserve fund for special education expenditures is deemed to be an amount placed in a reserve fund for classroom expenditures for the purposes of clause (7) (a); and

- (b) an amount paid on account of a part of a deficit from a previous year if the part of the deficit is attributable to classroom expenditures is not a non-classroom expenditure for the purposes of clause (7) (b).

Required spending, special education

42. (1) Subject to subsection (2), a district school board shall ensure that the amount it spends in the fiscal year on special education for pupils of the board is not less than the amount by which the board's special education allocation for the fiscal year exceeds the part of the OMERS savings for the board that is attributable to special education expenditures in the fiscal year.

(2) If a board's net expenditure on special education for its pupils in the fiscal year is less than the amount required under subsection (1), the board shall place the difference in the board's special education reserve fund.

(3) For the purposes of this section, a board's net expenditure on special education in the fiscal year is determined as follows:

1. Add the part of the amount that is in the board's reserve fund under subsection 233 (1) of the Act on August 31, 2004, immediately before the transfer under subsection 233 (2) of the Act, that is attributable to special education to the board's expenditure on special education for its pupils in the 2003-2004 fiscal year.
2. Deduct the following amounts from the amount determined under paragraph 1:
 - i. The amount of any transfers from the board's special education reserve fund in the fiscal year.
 - ii. The amounts of any other transfers from reserves in the fiscal year that were applied against the board's expenditure on special education for its pupils.
 - iii. Any revenue from other sources received by the board in the fiscal year that is spent by the board in the fiscal year on special education for its pupils.

(4) This section shall not be interpreted as limiting the amount that a board may spend on special education.

Required spending, capital assets

43. (1) Subject to subsection (2), a district school board shall ensure that an amount equal to the total of the following amounts determined for the board under section 37 is spent in the fiscal year on the acquisition of capital assets:

1. The amount for school renewal.
2. The amount for new pupil places.
3. The amount for outstanding capital commitments.

(2) If a board's net expenditure in the fiscal year on the acquisition of capital assets is less than the total amount determined under subsection (1), the board shall place the difference in the board's pupil accommodation allocation reserve fund.

(3) For the purposes of this section, a board's net expenditure in the fiscal year on the acquisition of capital assets is determined by deducting the following amounts from its expenditures in the fiscal year on the acquisition of capital assets:

1. The amounts of any transfers in the fiscal year from the pupil accommodation allocation reserve fund.
2. The amounts of any transfers in the fiscal year from the proceeds of disposition reserve fund that were applied in the fiscal year against expenditures for the acquisition of capital assets.
3. The amounts of any transfers in the fiscal year from other reserves, other than education development charge reserve funds, that were applied in the fiscal year against expenditures for the acquisition of capital assets.
4. Any revenue from other sources received by the board in the fiscal year that is spent by the board in the fiscal year on the acquisition of capital assets.

(4) This section shall not be interpreted as limiting the amount that a board may spend on the acquisition of capital assets.

Maximum administration and governance expenditures

44. (1) A district school board shall ensure that its net administration and governance expenditures in the fiscal year do not exceed its administration and governance limit.

(2) The amount of the board's administration and governance limit for the fiscal year is the amount determined as follows:

1. Subtract the part of the OMERS savings for the board that is attributable to administration and governance expenditures for the fiscal year from the board's administration and governance allocation for the fiscal year.
2. Add to the amount determined in paragraph 1 the portion of the board's flexibility fund,
 - i. that is not allocated under paragraph 43 of subsection 41 (5), and
 - ii. that is allocated by the board to the administration and governance limit.

- (3) For the purposes of this section,
- (a) an expenditure by a board is an administration expenditure if it is an expenditure categorized in the Ministry's Uniform Code of Accounts as an administration expenditure; and
 - (b) an expenditure by a board is a governance expenditure if it is an expenditure categorized in the Ministry's Uniform Code of Accounts as a governance expenditure.
- (4) For the purposes of this section, a board's net administration and governance expenditures in the fiscal year is determined as follows:
- 1. Determine the sum of the administration expenditures made by the board in the fiscal year and the governance expenditures made by the board in the fiscal year.
 - 2. Add the part of the amount that is in the board's reserve fund under subsection 233 (1) of the Act on August 31, 2004, before the transfer under subsection 233 (2) of the Act, that is attributable to administration and governance to the amount determined under paragraph 1.
 - 3. Deduct the following amounts from the amount determined under paragraph 2:
 - i. The amounts of any transfers from reserves in the fiscal year that were applied against the board's administration expenditures or governance expenditures.
 - ii. Any revenue from other sources received by the board in the fiscal year that is spent by the board in the fiscal year on board administration expenditures or governance expenditures.

Flexibility fund

45. The amount of a district school board's flexibility fund for the fiscal year is the greater of,
- (a) the amount of the board's flexibility fund for the 2002-2003 fiscal year, as determined under section 44 of Ontario Regulation 156/02; and
 - (b) the sum of the board's local priorities amount for the 2003-2004 fiscal year and the adjustment for declining enrolment, if any, determined under section 39.

PART III GRANTS TO SCHOOL AUTHORITIES

Grants to isolate boards

46. (1) For the purposes of this section, the approved expenditure of an isolate board is the expenditure that is acceptable to the Minister as shown on the forms provided by the Ministry to the isolate board for the purpose of calculating its 2003-2004 legislative grant.

(2) In making determinations for the purposes of subsection (1), the Minister shall apply the funding formula on which the provisions of this Regulation relating to grants to district school boards is based, with such adaptations as the Minister considers advisable to take account of characteristics particular to isolate boards.

(3) For the purposes of this section, the 2003-2004 tax revenue of an isolate board is determined as follows:

- 1. Add:
 - i. 38 per cent of the sum of,
 - A. the total of the amounts distributed to the board in respect of the 2003 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the *Education Act*, under sections 447.20 and 447.52 of the *Municipal Act* as made applicable by section 474 of the *Municipal Act, 2001*, under subsections 353 (4), 364 (22) and 365.2 (16) of the *Municipal Act, 2001*, under section 10 of Ontario Regulation 509/98 and under subsection 13 (2) of Ontario Regulation 3/02,
 - B. the amounts, if any, referred to in subsection 364 (22) of the *Municipal Act, 2001*, as made applicable by section 257.12.3 of the *Education Act*, that are paid to the board in respect of the 2003 calendar year,
 - C. the total of all amounts, if any, paid to the board in respect of the 2003 calendar year by a municipality under subsection 353 (4) or 366 (3) of the *Municipal Act, 2001*,
 - D. the amounts, if any, applied by the board against the cancellation price of land sold for tax arrears in the 2003 calendar year under section 380 of the *Municipal Act, 2001*, as made applicable by subsection 371 (2) of that Act,
 - E. the payments in lieu of taxes distributed to the board in respect of the 2003 calendar year under subsection 322 (1) of the *Municipal Act, 2001*,

- F. the grants, if any, made to the board in respect of the 2003 calendar year under subsection 302 (2) of the *Municipal Act, 2001*, and
 - G. the amounts, if any, received by the board in respect of the 2003 calendar year under the *Payments in Lieu of Taxes Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property, and
- ii. 62 per cent of the sum of,
- A. the total of the amounts distributed to the board in respect of the 2004 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the *Education Act*, under sections 447.20 and 447.52 of the *Municipal Act* as made applicable by section 474 of the *Municipal Act, 2001*, under subsections 353 (4), 364 (22) and 365.2 (16) of the *Municipal Act, 2001*, under section 10 of Ontario Regulation 509/98 and under subsection 13 (2) of Ontario Regulation 3/02,
 - B. the amounts, if any, referred to in subsection 364 (22) of the *Municipal Act, 2001*, as made applicable by section 257.12.3 of the *Education Act*, that are paid to the board in respect of the 2004 calendar year,
 - C. the total of all amounts, if any, paid to the board in respect of the 2004 calendar year by a municipality under subsection 353 (4) or 366 (3) of the *Municipal Act, 2001*,
 - D. the amounts, if any, applied by the board against the cancellation price of land sold for tax arrears in the 2004 calendar year under section 380 of the *Municipal Act, 2001*, as made applicable by subsection 371 (2) of that Act,
 - E. the payments in lieu of taxes distributed to the board in respect of the 2004 calendar year under subsection 322 (1) of the *Municipal Act, 2001*,
 - F. the grants, if any, made to the board in respect of the 2004 calendar year under subsection 302 (2) of the *Municipal Act, 2001*, and
 - G. the amounts, if any, received by the board in respect of the 2004 calendar year under the *Payments in Lieu of Taxes Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property,
- iii. the total of the amounts, if any, distributed to the board in the fiscal year under subsection 2 (3) of Ontario Regulation 365/98, and
- iv. the total of the amounts, if any, paid to the board in the fiscal year under clause 3 (1) (a) of Ontario Regulation 366/98.
2. If the board is required to levy taxes for school purposes in respect of property in territory without municipal organization, deduct the sum of,
- i. 0.76 per cent of the total of the amount of those taxes levied for school purposes for the 2003 calendar year and the amount of the tax imposed by section 21.1 of the *Provincial Land Tax Act* that is levied by the board for that year, and
 - ii. 1.24 per cent of the total of the taxes described in subparagraph i that are levied by the board for the 2004 calendar year.
3. Deduct the costs for which the board is responsible under the Act or the *Municipal Elections Act, 1996* that are incurred in the fiscal year to conduct elections of members in territory without municipal organization that is deemed to be a district municipality for the purposes of clause 257.12 (3) (a) of the Act.
4. Deduct the amounts charged to the board in the 2003 calendar year by a municipal council under section 353 of the *Municipal Act, 2001*, including amounts charged under that section as a result of private legislation.
5. Deduct the total of the amounts rebated, paid or credited by the board under section 257.2.1 of the Act in the fiscal year.
6. Deduct 38 per cent of the total of the amounts, if any, paid by the board in respect of the 2003 calendar year under subsections 361 (7), 364 (11), 365 (3), 365.1 (13) to (15) and (17) to (19) and 365.2 (8) of the *Municipal Act, 2001*.
7. Deduct 62 per cent of the total of the amounts, if any, paid by the board in respect of the 2004 calendar year under subsections 361 (7), 364 (11), 365 (3), 365.1 (13) to (15) and (17) to (19) and 365.2 (8) of the *Municipal Act, 2001*.
- (4) Amounts, if any, paid by the Minister to the board in respect of the 2003 calendar year under section 257.10.1 or 257.11 of the Act are deemed to be amounts distributed to the board in respect of the 2003 calendar year under a provision of the Act referred to in subparagraph 1 i of subsection (3).
- (5) Amounts, if any, paid by the Minister to the board in respect of the 2004 calendar year under section 257.10.1 or 257.11 of the Act are deemed to be amounts distributed to the board in respect of the 2004 calendar year under a provision of the Act referred to in subparagraph 1 ii of subsection (3).

(6) Paragraph 2 of subsection (3) shall not be interpreted to preclude including in the board's approved expenditure an amount on account of the costs incurred by the board in collecting taxes in territory without municipal organization, if those costs exceed the amount deducted under paragraph 2 of subsection (3).

(7) If the approved expenditure of an isolate board exceeds its 2003-2004 tax revenue, the board is paid a grant equal to the excess.

Grants to s. 68 boards

47. (1) A section 68 board is paid a grant in an amount determined as follows:

1. Take the expenditure of the board for the fiscal year that is acceptable to the Minister for grant purposes, excluding,
 - i. expenditures for debt charges,
 - ii. expenditures for the purchase of capital assets,
 - iii. expenditures for the restoration of destroyed or damaged capital assets, and
 - iv. provisions for reserves for working funds and provisions for reserve funds.
2. Deduct the revenue of the board for the fiscal year, not including revenue from,
 - i. legislative grants,
 - ii. an organization on whose property a school of the board is located, and
 - iii. refunds of expenditure of the kind described in subparagraph 1 i, ii or iii.

(2) Subsection (3) applies if,

- (a) a section 68 board makes expenditures to purchase special equipment in accordance with the Ministry publication entitled "Intensive Support Amount (ISA) Guidelines for School Boards, Spring 2001" for a pupil of a section 68 board and the pupil enrolls in a school operated by a district school board or by a different section 68 board during the fiscal year; or
- (b) a claim for special equipment for a pupil of a section 68 board has been approved and the pupil enrolls in a school operated by a different section 68 board during the 2002-2003 fiscal year.

(3) The special equipment referred to in subsection (2) must move with the pupil to the new board, unless in the opinion of the new board it is not practical to move the equipment.

PART IV PAYMENTS TO GOVERNING AUTHORITIES

Definitions

48. In this Part,

"Crown establishment" means an establishment maintained by a Department of the Government of Canada, a federal Crown company, The Royal Canadian Mounted Police or Atomic Energy of Canada Limited, on lands held by the Crown in right of Canada that are not assessable for school purposes, and includes a reserve as defined in the *Indian Act* (Canada); ("établissement de la Couronne")

"reserve" means a reserve within the meaning of the *Indian Act* (Canada). ("réserve")

Pupil not resident in board's jurisdiction

49. (1) This section applies to a pupil who is not resident in a Crown establishment and who resides in a territorial district on land that is not in the area of jurisdiction of a board and attends a school supported by local taxation in Manitoba or Quebec.

(2) The Minister shall pay the governing authority of the school attended by the pupil the amount agreed on between the governing authority and the Minister.

Pupil resident in board's jurisdiction

50. (1) This section applies if,

- (a) a pupil who resides in a territorial district is resident in the area of jurisdiction of a board or on a Crown establishment and attends an elementary school supported by local taxation in Manitoba or Quebec; and
- (b) the Minister is of the opinion that,
 - (i) daily transportation to the elementary school in Ontario that the pupil would otherwise attend is impracticable due to distance and terrain, and

- (ii) the provision of board, lodging and weekly transportation is impracticable because of the age or disability of the pupil.

(2) The Minister shall pay the governing authority of the elementary school attended by the pupil the amount agreed on between the governing authority and the Minister.

Pupil attending school on reserve

51. (1) This section applies if a pupil who resides in a territorial district,

(a) is not resident in the area of jurisdiction of a board and is not resident on a Crown establishment; and

(b) attends a school on a reserve that is operated by,

(i) the Crown in right of Canada, or

(ii) a band, the council of a band or an education authority, if the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians.

(2) The Minister shall pay the governing authority of the school attended by the pupil the amount agreed on between the governing authority and the Minister.

Amounts payable to board, attendance at school for Indian children

52. (1) This section applies in respect of a board that has submitted to the Minister an arrangement for admission of one or more persons who are qualified to be resident pupils of the board to an elementary school for Indian children under section 185 of the Act.

(2) Subject to subsection (3), the Minister shall pay to the board, for each person to whom the arrangement applies, an amount equal to the cost per pupil of elementary instruction for the 2003-2004 fiscal period in the school to which the child is admitted under the arrangement.

(3) The amount paid by the Minister under subsection (2) shall not exceed the fee that the board would charge to elementary school pupils under section 3 of the 2003-2004 fees regulation.

TABLE/TABLEAU 1

ESL/ESD GRANT/SUBVENTION ESL/ESD

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
1.	District School Board Ontario North East	16,422
2.	Algoma District School Board	9,996
3.	Rainbow District School Board	21,498
4.	Near North District School Board	12,105
5.	Keewatin-Patricia District School Board	10,693
6.	Rainy River District School Board	3,977
7.	Lakehead District School Board	43,105
8.	Superior-Greystone District School Board	676
9.	Bluewater District School Board	73,434
10.	Avon Maitland District School Board	106,851
11.	Greater Essex County District School Board	362,576
12.	Lambton Kent District School Board	92,194
13.	Thames Valley District School Board	655,460
14.	Toronto District School Board	7,941,306
15.	Durham District School Board	236,257
16.	Kawartha Pine Ridge District School Board	35,242
17.	Trillium Lakelands District School Board	0
18.	York Region District School Board	1,007,188
19.	Simcoe County District School Board	71,586
20.	Upper Grand District School Board	233,198
21.	Peel District School Board	1,803,969
22.	Halton District School Board	195,717
23.	Hamilton-Wentworth District School Board	547,099
24.	District School Board of Niagara	170,661
25.	Grand Erie District School Board	116,408
26.	Waterloo Region District School Board	721,382

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
27.	Ottawa-Carleton District School Board	846,475
28.	Upper Canada District School Board	27,634
29.	Limestone District School Board	65,632
30.	Renfrew County District School Board	13,154
31.	Hastings and Prince Edward District School Board	32,404
32.	Northeastern Catholic District School Board	4,589
33.	Nipissing-Parry Sound Catholic District School Board	4,764
34.	Huron-Superior Catholic District School Board	8,401
35.	Sudbury Catholic District School Board	10,066
36.	Northwest Catholic District School Board	2,370
37.	Kenora Catholic District School Board	204
38.	Thunder Bay Catholic District School Board	21,950
39.	Superior North Catholic District School Board	0
40.	Bruce-Grey Catholic District School Board	5,271
41.	Huron Perth Catholic District School Board	13,007
42.	Windsor-Essex Catholic District School Board	247,930
43.	English-language Separate District School Board No. 38	199,726
44.	St. Clair Catholic District School Board	32,850
45.	Toronto Catholic District School Board	3,369,879
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	15,259
47.	York Catholic District School Board	568,890
48.	Dufferin-Peel Catholic District School Board	1,423,619
49.	Simcoe Muskoka Catholic District School Board	38,558
50.	Durham Catholic District School Board	109,118
51.	Halton Catholic District School Board	136,412
52.	Hamilton-Wentworth Catholic District School Board	306,749
53.	Wellington Catholic District School Board	46,017
54.	Waterloo Catholic District School Board	291,161
55.	Niagara Catholic District School Board	82,837
56.	Brant Haldimand Norfolk Catholic District School Board	37,593
57.	Catholic District School Board of Eastern Ontario	14,721
58.	Ottawa-Carleton Catholic District School Board	396,936
59.	Renfrew County Catholic District School Board	5,349
60.	Algonquin and Lakeshore Catholic District School Board	32,207

TABLE/TABLEAU 2

ASSIMILATION FACTORS FOR ALF FUNDING/FACTEURS D'ASSIMILATION POUR LE FINANCEMENT DES PROGRAMMES D'ALF

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	French Language Board/ Conseil de langue française	English Language Coterminous Board/ Conseil de langue anglaise coïncident	Assimilation Factor/ Facteur d'assimilation
1.	Conseil scolaire de district du Nord-Est de l'Ontario	District School Board Ontario North East	1.0
2.	Conseil scolaire de district du Nord-Est de l'Ontario	Near North District School Board	1.0
3.	Conseil scolaire de district du Nord-Est de l'Ontario	Trillium Lakelands District School Board	1.5
4.	Conseil scolaire de district du Grand Nord de l'Ontario	Algoma District School Board	1.5
5.	Conseil scolaire de district du Grand Nord de l'Ontario	Rainbow District School Board	1.0
6.	Conseil scolaire de district du Grand Nord de l'Ontario	Keewatin-Patricia District School Board	1.5
7.	Conseil scolaire de district du Grand Nord de l'Ontario	Rainy River District School Board	1.5
8.	Conseil scolaire de district du Grand Nord de l'Ontario	Lakehead District School Board	1.5

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	French Language Board/ Conseil de langue française	English Language Coterminous Board/ Conseil de langue anglaise coïncident	Assimilation Factor/ Facteur d'assimilation
9.	Conseil scolaire de district du Grand Nord de l'Ontario	Superior-Greenstone District School Board	1.5
10.	Conseil scolaire de district du Centre Sud-Ouest	Bluewater District School Board	1.5
11.	Conseil scolaire de district du Centre Sud-Ouest	Avon Maitland District School Board	1.5
12.	Conseil scolaire de district du Centre Sud-Ouest	Greater Essex County District School Board	1.5
13.	Conseil scolaire de district du Centre Sud-Ouest	Lambton Kent District School Board	1.5
14.	Conseil scolaire de district du Centre Sud-Ouest	Thames Valley District School Board	1.5
15.	Conseil scolaire de district du Centre Sud-Ouest	Toronto District School Board	1.5
16.	Conseil scolaire de district du Centre Sud-Ouest	Durham District School Board	1.5
17.	Conseil scolaire de district du Centre Sud-Ouest	Kawartha Pine Ridge District School Board	1.5
18.	Conseil scolaire de district du Centre Sud-Ouest	Trillium Lakelands District School Board	1.5
19.	Conseil scolaire de district du Centre Sud-Ouest	York Region District School Board	1.5
20.	Conseil scolaire de district du Centre Sud-Ouest	Simcoe County District School Board	1.5
21.	Conseil scolaire de district du Centre Sud-Ouest	Upper Grand District School Board	1.5
22.	Conseil scolaire de district du Centre Sud-Ouest	Peel District School Board	1.5
23.	Conseil scolaire de district du Centre Sud-Ouest	Halton District School Board	1.5
24.	Conseil scolaire de district du Centre Sud-Ouest	Hamilton-Wentworth District School Board	1.5
25.	Conseil scolaire de district du Centre Sud-Ouest	District School Board of Niagara	1.5
26.	Conseil scolaire de district du Centre Sud-Ouest	Grand Erie District School Board	1.5
27.	Conseil scolaire de district du Centre Sud-Ouest	Waterloo Region District School Board	1.5
28.	Conseil de district des écoles publiques de langue française n° 59	Ottawa-Carleton District School Board	1.0
29.	Conseil de district des écoles publiques de langue française n° 59	Upper Canada District School Board	1.0
30.	Conseil de district des écoles publiques de langue française n° 59	Limestone District School Board	1.5
31.	Conseil de district des écoles publiques de langue française n° 59	Renfrew County District School Board	1.5
32.	Conseil de district des écoles publiques de langue française n° 59	Hastings and Prince Edward District School Board	1.5
33.	Conseil scolaire de district catholique des Grandes Rivières	Northeastern Catholic District School Board	1.0
34.	Conseil scolaire de district catholique Franco-Nord	Nipissing-Parry Sound Catholic District School Board	1.0
35.	Conseil scolaire de district catholique Centre-Sud	Simcoe Muskoka Catholic District School Board	1.5
36.	Conseil scolaire de district catholique du Nouvel-Ontario	Sudbury Catholic District School Board	1.0
37.	Conseil scolaire de district catholique du Nouvel-Ontario	Huron-Superior Catholic District School Board	1.5
38.	Conseil scolaire de district catholique des Aurores boréales	Northwest Catholic District School Board	1.5
39.	Conseil scolaire de district catholique des Aurores boréales	Kenora Catholic District School Board	1.5

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	French Language Board/ Conseil de langue française	English Language Coterminous Board/ Conseil de langue anglaise coïncident	Assimilation Factor/ Facteur d'assimilation
40.	Conseil scolaire de district catholique des Aurores boréales	Thunder Bay Catholic District School Board	1.5
41.	Conseil scolaire de district catholique des Aurores boréales	Superior North Catholic District School Board	1.5
42.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Bruce-Grey Catholic District School Board	1.5
43.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Huron Perth Catholic District School Board	1.5
44.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Windsor-Essex Catholic District School Board	1.5
45.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	St. Clair Catholic District School Board	1.5
46.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	English-language Separate District School Board No. 38	1.5
47.	Conseil scolaire de district catholique Centre-Sud	Toronto Catholic District School Board	1.5
48.	Conseil scolaire de district catholique Centre-Sud	Durham Catholic District School Board	1.5
49.	Conseil scolaire de district catholique Centre-Sud	Peterborough Victoria Northumberland and Clarington Catholic District School Board	1.5
50.	Conseil scolaire de district catholique Centre-Sud	York Catholic District School Board	1.5
51.	Conseil scolaire de district catholique Centre-Sud	Wellington Catholic District School Board	1.5
52.	Conseil scolaire de district catholique Centre-Sud	Dufferin-Peel Catholic District School Board	1.5
53.	Conseil scolaire de district catholique Centre-Sud	Halton Catholic District School Board	1.5
54.	Conseil scolaire de district catholique Centre-Sud	Hamilton-Wentworth Catholic District School Board	1.5
55.	Conseil scolaire de district catholique Centre-Sud	Niagara Catholic District School Board	1.5
56.	Conseil scolaire de district catholique Centre-Sud	Brant Haldimand Norfolk Catholic District School Board	1.5
57.	Conseil scolaire de district catholique Centre-Sud	Waterloo Catholic District School Board	1.5
58.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Ottawa-Carleton Catholic District School Board	1.0
59.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Catholic District School Board of Eastern Ontario	1.5
60.	Conseil scolaire de district catholique de l'Est ontarien	Catholic District School Board of Eastern Ontario	1.0
61.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Algonquin and Lakeshore Catholic District School Board	1.5
62.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Renfrew County Catholic District School Board	1.5

TABLE/TABLEAU 3

REMOTE AND RURAL ALLOCATION/
ÉLÉMENT CONSEILS RURAUX ET ÉLOIGNÉS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4
	Name of Board/Nom du conseil	Distance/ Distance	Urban Factor/ Facteur urbain	Dispersion Distance in kilometres/ Dispersion Distance en kilomètres
1.	District School Board Ontario North East	680 km	0.946	47.28
2.	Algoma District School Board	790 km	0.809	38.63
3.	Rainbow District School Board	455 km	0.821	21.21
4.	Near North District School Board	332 km	0.913	25.73

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4
	Name of Board/Nom du conseil	Distance/ Distance	Urban Factor/ Facteur urbain	Dispersion Distance in kilometres/ Dispersion Distance en kilomètres
5.	Keewatin-Patricia District School Board	1801 km	1.000	60.12
6.	Rainy River District School Board	1630 km	1.000	40.15
7.	Lakehead District School Board	1375 km	0.549	5.77
8.	Superior-Greenstone District School Board	1440 km	1.000	71.69
9.	Bluewater District School Board	177 km	1.000	21.55
10.	Avon Maitland District School Board	< 151 km	1.000	16.38
11.	Greater Essex County District School Board	< 151 km	1.000	8.32
12.	Lambton Kent District School Board	< 151 km	1.000	16.28
13.	Thames Valley District School Board	< 151 km	1.000	9.39
14.	Toronto District School Board	< 151 km	1.000	3.78
15.	Durham District School Board	< 151 km	1.000	5.98
16.	Kawartha Pine Ridge District School Board	161 km	0.942	14.94
17.	Trillium Lakelands District School Board	253 km	1.000	27.79
18.	York Region District School Board	< 151 km	1.000	6.52
19.	Simcoe County District School Board	< 151 km	1.000	11.30
20.	Upper Grand District School Board	< 151 km	1.000	10.65
21.	Peel District School Board	< 151 km	1.000	4.54
22.	Halton District School Board	< 151 km	1.000	5.59
23.	Hamilton-Wentworth District School Board	< 151 km	1.000	3.79
24.	District School Board of Niagara	< 151 km	1.000	6.49
25.	Grand Erie District School Board	< 151 km	1.000	10.07
26.	Waterloo Region District School Board	< 151 km	1.000	4.96
27.	Ottawa-Carleton District School Board	< 151 km	1.000	6.11
28.	Upper Canada District School Board	< 151 km	1.000	22.40
29.	Limestone District School Board	235 km	0.717	12.74
30.	Renfrew County District School Board	< 151 km	1.000	21.03
31.	Hastings and Prince Edward District School Board	251 km	0.971	15.17
32.	Northeastern Catholic District School Board	680 km	0.946	71.27
33.	Nipissing-Parry Sound Catholic District School Board	332 km	0.913	19.07
34.	Huron-Superior Catholic District School Board	790 km	0.777	48.56
35.	Sudbury Catholic District School Board	390 km	0.780	15.88
36.	Northwest Catholic District School Board	1715 km	1.000	133.32
37.	Kenora Catholic District School Board	1855 km	1.000	3.62
38.	Thunder Bay Catholic District School Board	1375 km	0.501	3.64
39.	Superior North Catholic District School Board	1440 km	1.000	97.06
40.	Bruce-Grey Catholic District School Board	177 km	1.000	22.57
41.	Huron Perth Catholic District School Board	< 151 km	1.000	19.38
42.	Windsor-Essex Catholic District School Board	< 151 km	1.000	7.73
43.	English-language Separate District School Board No. 38	< 151 km	1.000	11.83
44.	St. Clair Catholic District School Board	< 151 km	1.000	20.81
45.	Toronto Catholic District School Board	< 151 km	1.000	4.47
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	161 km	0.942	15.91
47.	York Catholic District School Board	< 151 km	1.000	7.80
48.	Dufferin-Peel Catholic District School Board	< 151 km	1.000	4.96
49.	Simcoe Muskoka Catholic District School Board	< 151 km	1.000	17.09
50.	Durham Catholic District School Board	< 151 km	1.000	7.23
51.	Halton Catholic District School Board	< 151 km	1.000	7.35
52.	Hamilton-Wentworth Catholic District School Board	< 151 km	1.000	4.04
53.	Wellington Catholic District School Board	< 151 km	1.000	11.37
54.	Waterloo Catholic District School Board	< 151 km	1.000	6.27
55.	Niagara Catholic District School Board	< 151 km	1.000	8.50

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4
	Name of Board/Nom du conseil	Distance/ Distance	Urban Factor/ Facteur urbain	Dispersion Distance in kilometres/ Dispersion Distance en kilomètres
56.	Brant Haldimand Norfolk Catholic District School Board	< 151 km	1.000	13.91
57.	Catholic District School Board of Eastern Ontario	< 151 km	1.000	24.49
58.	Ottawa-Carleton Catholic District School Board	< 151 km	1.000	6.69
59.	Renfrew County Catholic District School Board	< 151 km	1.000	25.91
60.	Algonquin and Lakeshore Catholic District School Board	277 km	0.986	24.63
61.	Conseil scolaire de district du Nord-Est de l'Ontario	634 km	0.939	149.20
62.	Conseil scolaire de district du Grand Nord de l'Ontario	1191 km	0.8620	140.63
63.	Conseil scolaire de district du Centre Sud-Ouest	< 151 km	1.000	47.17
64.	Conseil de district des écoles publiques de langue française n° 59	< 151 km	1.000	38.75
65.	Conseil scolaire de district catholique des Grandes Rivières	680 km	0.952	49.76
66.	Conseil scolaire de district catholique Franco-Nord	332 km	0.933	23.94
67.	Conseil scolaire de district catholique du Nouvel-Ontario	790 km	0.879	45.27
68.	Conseil scolaire de district catholique des Aurores boréales	1745 km	0.727	207.39
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	< 151 km	1.000	29.78
70.	Conseil scolaire de district catholique Centre-Sud	< 151 km	1.000	37.27
71.	Conseil scolaire de district catholique de l'Est ontarien	< 151 km	1.000	17.32
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	< 151 km	1.000	23.39

TABLE/TABLEAU 4

LEARNING OPPORTUNITIES/
PROGRAMMES D'AIDE À L'APPRENTISSAGE

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
1.	District School Board Ontario North East	1,665,133	0.0043
2.	Algoma District School Board	2,578,240	0.0097
3.	Rainbow District School Board	2,067,038	0.0084
4.	Near North District School Board	2,102,608	0.0071
5.	Keewatin-Patricia District School Board	970,602	0.0028
6.	Rainy River District School Board	551,587	0.0026
7.	Lakehead District School Board	2,164,021	0.0065
8.	Superior-Greenstone District School Board	593,642	0.0012
9.	Bluewater District School Board	875,943	0.0045
10.	Avon Maitland District School Board	1,029,035	0.0030
11.	Greater Essex County District School Board	4,232,660	0.0151
12.	Lambton Kent District School Board	1,410,418	0.0077

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
13.	Thames Valley District School Board	7,013,817	0.0246
14.	Toronto District School Board	63,774,877	0.3807
15.	Durham District School Board	2,259,153	0.0087
16.	Kawartha Pine Ridge District School Board	1,686,143	0.0093
17.	Trillium Lakelands District School Board	439,195	0.0045
18.	York Region District School Board	3,462,736	0.0182
19.	Simcoe County District School Board	1,315,058	0.0084
20.	Upper Grand District School Board	1,041,107	0.0030
21.	Peel District School Board	6,969,628	0.0333
22.	Halton District School Board	621,845	0.0008
23.	Hamilton-Wentworth District School Board	7,960,611	0.0419
24.	District School Board of Niagara	3,649,111	0.0143
25.	Grand Erie District School Board	2,673,174	0.0097
26.	Waterloo Region District School Board	4,158,157	0.0138
27.	Ottawa-Carleton District School Board	7,825,188	0.0413
28.	Upper Canada District School Board	1,307,271	0.0065
29.	Limestone District School Board	1,838,447	0.0068
30.	Renfrew County District School Board	735,197	0.0032
31.	Hastings and Prince Edward District School Board	1,716,080	0.0120
32.	Northeastern Catholic District School Board	572,567	0.0013
33.	Nipissing-Parry Sound Catholic District School Board	523,699	0.0020
34.	Huron-Superior Catholic District School Board	1,325,779	0.0041
35.	Sudbury Catholic District School Board	1,084,871	0.0039
36.	Northwest Catholic District School Board	140,458	0.0005
37.	Kenora Catholic District School Board	117,628	0.0005
38.	Thunder Bay Catholic District School Board	1,089,273	0.0033
39.	Superior North Catholic District School Board	188,343	0.0004
40.	Bruce-Grey Catholic District School Board	176,741	0.0007
41.	Huron Perth Catholic District School Board	148,435	0.0004
42.	Windsor-Essex Catholic District School Board	3,040,952	0.0089
43.	English-language Separate District School Board No. 38	3,531,690	0.0035
44.	St. Clair Catholic District School Board	626,650	0.0022
45.	Toronto Catholic District School Board	27,559,982	0.1261
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	605,253	0.0018
47.	York Catholic District School Board	2,154,813	0.0093
48.	Dufferin-Peel Catholic District School Board	5,452,124	0.0204
49.	Simcoe Muskoka Catholic District School Board	439,713	0.0027
50.	Durham Catholic District School Board	797,380	0.0010
51.	Halton Catholic District School Board	304,737	0.0008
52.	Hamilton-Wentworth Catholic District School Board	3,774,434	0.0134
53.	Wellington Catholic District School Board	301,937	0.0008
54.	Waterloo Catholic District School Board	1,905,717	0.0041
55.	Niagara Catholic District School Board	1,709,469	0.0049
56.	Brant Haldimand Norfolk Catholic District School Board	878,744	0.0028
57.	Catholic District School Board of Eastern Ontario	787,535	0.0025
58.	Ottawa-Carleton Catholic District School Board	3,777,275	0.0177
59.	Renfrew County Catholic District School Board	520,588	0.0024
60.	Algonquin and Lakeshore Catholic District School Board	1,154,494	0.0028
61.	Conseil scolaire de district du Nord-Est de l'Ontario	227,350	0.0010
62.	Conseil scolaire de district du Grand Nord de l'Ontario	239,335	0.0010
63.	Conseil scolaire de district du Centre Sud-Ouest	762,259	0.0038
64.	Conseil de district des écoles publiques de langue française n° 59	841,809	0.0059
65.	Conseil scolaire de district catholique des Grandes Rivières	1,607,436	0.0054
66.	Conseil scolaire de district catholique Franco-Nord	736,258	0.0020
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1,540,679	0.0042

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
68.	Conseil scolaire de district catholique des Aurores boréales	226,980	0.0003
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	426,740	0.0012
70.	Conseil scolaire de district catholique Centre-Sud	1,060,239	0.0036
71.	Conseil scolaire de district catholique de l'Est ontarien	1,355,886	0.0040
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	1,563,803	0.0089

TABLE/TABLEAU 5

TEACHER QUALIFICATION AND EXPERIENCE/
COMPÉTENCE ET EXPÉRIENCE DES ENSEIGNANTS

Full years of teaching experience/ Années complètes d'expérience en enseignement	Qualification Categories/Catégories de qualification						
	D	C	B	A1/group 1 A1/groupe 1	A2/group 2 A2/groupe 2	A3/group 3 A3/groupe 3	A4/group 4 A4/groupe 4
0	0.5788	0.5788	0.5788	0.6229	0.6487	0.7081	0.7449
1	0.6127	0.6127	0.6127	0.6540	0.6864	0.7502	0.7926
2	0.6332	0.6332	0.6332	0.6989	0.7318	0.7969	0.8432
3	0.6523	0.6523	0.6523	0.7416	0.7743	0.8442	0.8925
4	0.7149	0.7149	0.7149	0.7814	0.8158	0.8953	0.9443
5	0.7698	0.7698	0.7698	0.8234	0.8606	0.9435	0.9975
6	0.8225	0.8225	0.8225	0.8655	0.9042	0.9866	1.0473
7	0.8694	0.8694	0.8694	0.9073	0.9472	1.0363	1.0997
8	0.8900	0.8900	0.8900	0.9485	0.9876	1.0860	1.1512
9	0.9154	0.9154	0.9154	1.0025	1.0411	1.1534	1.2026
10	0.9667	0.9667	0.9667	1.0451	1.0989	1.2136	1.2949

TABLE/TABLEAU 6

PERCENTAGE OF TOTAL AREA OF ELEMENTARY AND SECONDARY SCHOOLS LESS THAN 20 YEARS OLD OR 20 YEARS OR OLDER / POURCENTAGE DE LA SUPERFICIE TOTALE DES ÉCOLES ÉLÉMENTAIRES ET SECONDAIRES QUI DATENT DE MOINS DE 20 ANS OU DE 20 ANS OU PLUS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	% of Total Area of Elementary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles élémentaires qui datent de moins de 20 ans	% of Total Area of Elementary Schools that are 20 Years or Older/ % de la superficie totale des écoles élémentaires qui datent de 20 ans ou plus	% of Total Area of Secondary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles secondaires qui datent de moins de 20 ans	% of Total Area of Secondary Schools that are 20 Years or Older/ % de la superficie totale des écoles secondaires qui datent de 20 ans ou plus
1.	Algoma District School Board	3.85%	96.15%	0.00%	100.00%
2.	Algonquin and Lakeshore Catholic District School Board	14.50%	85.50%	57.79%	42.21%
3.	Avon Maitland District School Board	5.97%	94.03%	0.00%	100.00%
4.	Bluewater District School Board	5.84%	94.16%	11.49%	88.51%

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	% of Total Area of Elementary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles élémentaires qui datent de moins de 20 ans	% of Total Area of Elementary Schools that are 20 Years or Older/ % de la superficie totale des écoles élémentaires qui datent de 20 ans ou plus	% of Total Area of Secondary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles secondaires qui datent de moins de 20 ans	% of Total Area of Secondary Schools that are 20 Years or Older/ % de la superficie totale des écoles secondaires qui datent de 20 ans ou plus
5.	Brant Haldimand Norfolk Catholic District School Board	14.06%	85.94%	50.00%	50.00%
6.	Bruce-Grey Catholic District School Board	27.36%	72.64%	0.00%	100.00%
7.	Conseil de district des écoles publiques de langue française n° 59	39.90%	60.10%	14.24%	85.76%
8.	Conseil scolaire de district catholique Centre-Sud	48.01%	51.99%	46.63%	53.37%
9.	Conseil scolaire de district catholique de l'Est ontarien	10.89%	89.11%	0.00%	100.00%
10.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	31.06%	68.94%	14.33%	85.67%
11.	Conseil scolaire de district catholique des Grandes Rivières	0.00%	100.00%	0.93%	99.07%
12.	Conseil scolaire de district catholique du Nouvel-Ontario	3.52%	96.48%	0.00%	100.00%
13.	Conseil scolaire de district du Nord-Est de l'Ontario	0.00%	100.00%	0.00%	100.00%
14.	Conseil scolaire de district catholique des Aurores boréales	0.00%	100.00%	0.00%	100.00%
15.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	19.03%	80.97%	26.73%	73.27%
16.	Conseil scolaire de district du Grand Nord de l'Ontario	12.95%	87.05%	8.22%	91.78%
17.	Conseil scolaire de district catholique Franco-Nord	0.00%	100.00%	0.00%	100.00%
18.	Conseil scolaire de district du Centre Sud-Ouest	8.12%	91.88%	7.00%	93.00%
19.	District School Board Ontario North East	5.71%	94.29%	0.00%	100.00%
20.	District School Board of Niagara	4.96%	95.04%	0.71%	99.29%
21.	Dufferin Peel Catholic District School Board	56.10%	43.90%	74.75%	25.25%
22.	Durham District School Board	39.36%	60.64%	15.07%	84.93%
23.	Durham Catholic District School Board	55.92%	44.08%	77.52%	22.48%
24.	Eastern Ontario Catholic District School Board	27.22%	72.78%	80.15%	19.85%
25.	English-language Separate District School Board No. 38	9.38%	90.62%	64.35%	35.65%
26.	Grand Erie District School Board	5.20%	94.80%	6.33%	93.67%
27.	Greater Essex County District School Board	4.96%	95.04%	0.00%	100.00%
28.	Halton Catholic District School Board	38.04%	61.96%	57.50%	42.50%
29.	Halton District School Board	14.37%	85.63%	13.40%	86.60%
30.	Hamilton-Wentworth Catholic District School Board	17.77%	82.23%	67.39%	32.61%
31.	Hamilton-Wentworth District School Board	7.76%	92.24%	9.08%	90.92%
32.	Hastings and Prince Edward District School Board	3.10%	96.90%	0.00%	100.00%
33.	Huron-Perth Catholic District School Board	0.00%	100.00%	100.00%	0.00%
34.	Huron-Superior Catholic District School Board	0.00%	100.00%	0.00%	100.00%
35.	Kawartha Pine Ridge District School Board	17.29%	82.71%	0.00%	100.00%
36.	Keewatin-Patricia District School Board	14.24%	85.76%	0.00%	100.00%
37.	Kenora Catholic District School Board	14.24%	85.76%	100.00%	0.00%
38.	Lakehead District School Board	3.57%	96.43%	0.00%	100.00%
39.	Lambton Kent District School Board	2.31%	97.69%	0.00%	100.00%

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	% of Total Area of Elementary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles élémentaires qui datent de moins de 20 ans	% of Total Area of Elementary Schools that are 20 Years or Older/ % de la superficie totale des écoles élémentaires qui datent de 20 ans ou plus	% of Total Area of Secondary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles secondaires qui datent de moins de 20 ans	% of Total Area of Secondary Schools that are 20 Years or Older/ % de la superficie totale des écoles secondaires qui datent de 20 ans ou plus
40.	Limestone District School Board	5.13%	94.87%	0.33%	99.67%
41.	Near North District School Board	15.26%	84.74%	0.89%	99.11%
42.	Niagara Catholic District School Board	5.60%	94.40%	0.00%	100.00%
43.	Nipissing-Parry Sound Catholic District School Board	8.35%	91.65%	0.00%	100.00%
44.	Northeastern Catholic District School Board	6.35%	93.65%	0.00%	100.00%
45.	Northwest Catholic District School Board	32.66%	67.34%	0.00%	0.00%
46.	Ottawa-Carleton District School Board	19.51%	80.49%	7.42%	92.58%
47.	Ottawa-Carleton Catholic District School Board	26.08%	73.92%	28.35%	71.65%
48.	Peel District School Board	31.52%	68.48%	14.63%	85.37%
49.	Peterborough Victoria Northumberland & Clarington Catholic District School Board	40.72%	59.28%	100.00%	0.00%
50.	Rainbow District School Board	6.15%	93.85%	0.00%	100.00%
51.	Rainy River District School Board	7.46%	92.54%	0.00%	100.00%
52.	Renfrew County Catholic District School Board	0.00%	100.00%	36.32%	63.68%
53.	Renfrew County District School Board	6.41%	93.59%	0.00%	100.00%
54.	Simcoe County District School Board	20.09%	79.91%	0.00%	100.00%
55.	Simcoe Muskoka Catholic District School Board	64.54%	35.46%	100.00%	0.00%
56.	St. Clair Catholic District School Board	14.81%	85.19%	30.44%	69.56%
57.	Sudbury Catholic District School Board	0.00%	100.00%	26.36%	73.64%
58.	Superior North Catholic District School Board	10.53%	89.47%	0.00%	0.00%
59.	Superior-Greenstone District School Board	42.92%	57.08%	31.38%	68.62%
60.	Thames Valley District School Board	9.00%	91.00%	0.00%	100.00%
61.	Thunder Bay Catholic District School Board	6.83%	93.17%	0.00%	100.00%
62.	Toronto District School Board	7.98%	92.02%	2.07%	97.93%
63.	Toronto Catholic District School Board	10.50%	89.50%	19.59%	80.41%
64.	Trillium Lakelands District School Board	19.34%	80.66%	0.00%	100.00%
65.	Upper Grand District School Board	20.97%	79.03%	8.51%	91.49%
66.	Upper Canada District School Board	9.19%	90.81%	3.04%	96.96%
67.	Waterloo Region District School Board	20.08%	79.92%	5.03%	94.97%
68.	Waterloo Catholic District School Board	31.21%	68.79%	41.56%	58.44%
69.	Wellington Catholic District School Board	26.99%	73.01%	13.53%	86.47%
70.	Windsor-Essex Catholic District School Board	2.74%	97.26%	25.66%	74.34%
71.	York Catholic District School Board	65.29%	34.71%	85.24%	14.76%
72.	York Region District School Board	49.26%	50.74%	38.75%	61.25%

TABLE/TABLEAU 7

SCHOOL RENEWAL ENHANCEMENT AMOUNT/
AUGMENTATION AU TITRE DE LA RÉFECTION DES ÉCOLES

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
1.	District School Board Ontario North East	296,769
2.	Algoma District School Board	610,342

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
3.	Rainbow District School Board	424,825
4.	Near North District School Board	412,926
5.	Keewatin-Patricia District School Board	200,000
6.	Rainy River District School Board	200,000
7.	Lakehead District School Board	425,735
8.	Superior-Greenstone District School Board	200,000
9.	Bluewater District School Board	569,744
10.	Avon Maitland District School Board	613,151
11.	Greater Essex County District School Board	885,318
12.	Lambton Kent District School Board	720,778
13.	Thames Valley District School Board	937,238
14.	Toronto District School Board	4,724,847
15.	Durham District School Board	825,035
16.	Kawartha Pine Ridge District School Board	1,185,432
17.	Trillium Lakelands District School Board	229,255
18.	York Region District School Board	1,804,956
19.	Simcoe County District School Board	876,164
20.	Upper Grand District School Board	1,187,308
21.	Peel District School Board	1,934,039
22.	Halton District School Board	1,133,536
23.	Hamilton-Wentworth District School Board	1,480,155
24.	District School Board of Niagara	1,611,150
25.	Grand Erie District School Board	1,427,656
26.	Waterloo Region District School Board	1,262,811
27.	Ottawa-Carleton District School Board	2,744,424
28.	Upper Canada District School Board	2,055,456
29.	Limestone District School Board	784,094
30.	Renfrew County District School Board	673,097
31.	Hastings and Prince Edward District School Board	747,191
32.	Northeastern Catholic District School Board	200,000
33.	Nipissing-Parry Sound Catholic District School Board	200,000
34.	Huron-Superior Catholic District School Board	200,000
35.	Sudbury Catholic District School Board	200,000
36.	Northwest Catholic District School Board	200,000
37.	Kenora Catholic District School Board	200,000
38.	Thunder Bay Catholic District School Board	200,000
39.	Superior North Catholic District School Board	200,000
40.	Bruce-Grey Catholic District School Board	200,000
41.	Huron Perth Catholic District School Board	200,000
42.	Windsor-Essex Catholic District School Board	408,943
43.	English-language Separate District School Board No. 38	627,292
44.	St. Clair Catholic District School Board	200,000
45.	Toronto Catholic District School Board	3,519,937
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	200,000
47.	York Catholic District School Board	322,699
48.	Dufferin-Peel Catholic District School Board	730,538
49.	Simcoe Muskoka Catholic District School Board	221,824
50.	Durham Catholic District School Board	258,352
51.	Halton Catholic District School Board	200,000
52.	Hamilton-Wentworth Catholic District School Board	538,288
53.	Wellington Catholic District School Board	200,000
54.	Waterloo Catholic District School Board	564,787
55.	Niagara Catholic District School Board	717,296
56.	Brant Haldimand Norfolk Catholic District School Board	200,000
57.	Catholic District School Board of Eastern Ontario	206,455
58.	Ottawa-Carleton Catholic District School Board	855,428
59.	Renfrew County Catholic District School Board	200,000
60.	Algonquin and Lakeshore Catholic District School Board	316,877
61.	Conseil scolaire de district du Nord-Est de l'Ontario	200,000
62.	Conseil scolaire de district du Grand Nord de l'Ontario	200,000

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
63.	Conseil scolaire de district du Centre Sud-Ouest	445,205
64.	Conseil de district des écoles publiques de langue française n° 59	224,712
65.	Conseil scolaire de district catholique des Grandes Rivières	642,303
66.	Conseil scolaire de district catholique Franco-Nord	278,201
67.	Conseil scolaire de district catholique du Nouvel-Ontario	298,186
68.	Conseil scolaire de district catholique des Aurores boréales	200,000
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	210,185
70.	Conseil scolaire de district catholique Centre-Sud	230,648
71.	Conseil scolaire de district catholique de l'Est ontarien	688,004
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	654,625

TABLE/TABLEAU 8

CAPITAL TRANSITIONAL ADJUSTMENT/
REDRESSEMENT TEMPORAIRE DES IMMOBILISATIONS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	Municipality or Former municipality/ Municipalité ou ancienne municipalité	As that municipality or former municipality existed on/ Telle que cette municipalité ou ancienne municipalité existait le	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
1.	Conseil scolaire de district catholique Centre-Sud	Cambridge	September 1, 2003/ 1 ^{er} septembre 2003		600
2.	Conseil scolaire de district catholique Centre-Sud	York	September 1, 2003/ 1 ^{er} septembre 2003		700
3.	Conseil scolaire de district catholique de l'Est ontarien	North Glengarry	September 1, 2003/ 1 ^{er} septembre 2003	400	500
4.	Conseil scolaire de district catholique des Aurores boréales	Thunder Bay	September 1, 2003/ 1 ^{er} septembre 2003		540
5.	Conseil scolaire de district catholique des Grandes Rivières	Cochrane	September 1, 2003/ 1 ^{er} septembre 2003	300	500
6.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Carleton Place	September 1, 2003/ 1 ^{er} septembre 2003	300	
7.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	City of/ Cité de Trenton	December 31, 1997/ 31 décembre 1997	300	
8.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Ottawa	September 1, 2003/ 1 ^{er} septembre 2003		600
9.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Pembroke	September 1, 2003/ 1 ^{er} septembre 2003	500	500
10.	Conseil scolaire de district catholique du Nouvel-Ontario	Blind River	September 1, 2003/ 1 ^{er} septembre 2003		500
11.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Owen Sound	September 1, 2003/ 1 ^{er} septembre 2003	300	500
12.	Conseil de district des écoles publiques de langue française n° 59	City of / Cité de Cumberland	December 31, 2000/ 31 décembre 2000		700
13.	Conseil de district des écoles publiques de langue française n° 59	Town of Vankleek Hill	December 31, 1997/ 31 décembre 1997		500
14.	Conseil de district des écoles publiques de langue française n° 59	City of/ Cité d' Ottawa	December 31, 2000/ 31 décembre 2000		500
15.	Conseil scolaire de district du Centre Sud-Ouest	Brampton	September 1, 2003/ 1 ^{er} septembre 2003	450	
16.	Conseil scolaire de district du Centre Sud-Ouest	Peel	September 1, 2003/ 1 ^{er} septembre 2003		700
17.	Conseil scolaire de district du Centre Sud-Ouest	Windsor	September 1, 2003/ 1 ^{er} septembre 2003		300

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	Municipality or Former municipality/ Municipalité ou ancienne municipalité	As that municipality or former municipality existed on/ Telle que cette municipalité ou ancienne municipalité existait le	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
18.	Conseil scolaire de district du Grand Nord de l'Ontario	Marathon or Manitouwadge	September 1, 2003/ 1 ^{er} septembre 2003	25	100
19.	Conseil scolaire de district du Nord-Est de l'Ontario	Timmins	September 1, 2003/ 1 ^{er} septembre 2003		502
20.	Conseil scolaire de district du Nord-Est de l'Ontario	North Bay	September 1, 2003/ 1 ^{er} septembre 2003		500
21.	Sudbury Catholic District School Board	Greater Sudbury/ Grand Sudbury	September 1, 2003/ 1 ^{er} septembre 2003		500

TABLE/TABLEAU 9

GEOGRAPHIC ADJUSTMENT FACTORS FOR NEW PUPIL PLACES/
FACTEURS DE REDRESSEMENT GÉOGRAPHIQUE POUR LES NOUVELLES PLACES

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Geographic Adjustment Factor/ Facteur de redressement géographique
1.	District School Board Ontario North East	1.120
2.	Algoma District School Board	1.106
3.	Rainbow District School Board	1.063
4.	Near North District School Board	1.042
5.	Keewatin-Patricia District School Board	1.144
6.	Rainy River District School Board	1.142
7.	Lakehead District School Board	1.080
8.	Superior-Greenstone District School Board	1.141
9.	Blucwater District School Board	1.007
10.	Avon Maitland District School Board	1.010
11.	Greater Essex County District School Board	1.000
12.	Lambton Kent District School Board	1.000
13.	Thames Valley District School Board	1.000
14.	Toronto District School Board	1.000
15.	Durham District School Board	1.000
16.	Kawartha Pine Ridge District School Board	1.003
17.	Trillium Lakelands District School Board	1.026
18.	York Region District School Board	1.000
19.	Simcoe County District School Board	1.000
20.	Upper Grand District School Board	1.000
21.	Peel District School Board	1.000
22.	Halton District School Board	1.000
23.	Hamilton-Wentworth District School Board	1.000
24.	District School Board of Niagara	1.000
25.	Grand Erie District School Board	1.000
26.	Waterloo Region District School Board	1.000
27.	Ottawa-Carleton District School Board	1.000
28.	Upper Canada District School Board	1.000
29.	Limestone District School Board	1.015
30.	Renfrew County District School Board	1.000
31.	Hastings and Prince Edward District School Board	1.025
32.	Northeastern Catholic District School Board	1.123
33.	Nipissing-Parry Sound Catholic District School Board	1.042
34.	Huron-Superior Catholic District School Board	1.104
35.	Sudbury Catholic District School Board	1.048
36.	Northwest Catholic District School Board	1.149

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Geographic Adjustment Factor/ Facteur de redressement géographique
37.	Kenora Catholic District School Board	1.143
38.	Thunder Bay Catholic District School Board	1.074
39.	Superior North Catholic District School Board	1.146
40.	Bruce-Grey Catholic District School Board	1.007
41.	Huron Perth Catholic District School Board	1.011
42.	Windsor-Essex Catholic District School Board	1.000
43.	English-language Separate District School Board No. 38	1.000
44.	St. Clair Catholic District School Board	1.000
45.	Toronto Catholic District School Board	1.000
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	1.003
47.	York Catholic District School Board	1.000
48.	Dufferin-Peel Catholic District School Board	1.000
49.	Simcoe Muskoka Catholic District School Board	1.000
50.	Durham Catholic District School Board	1.000
51.	Halton Catholic District School Board	1.000
52.	Hamilton-Wentworth Catholic District School Board	1.000
53.	Wellington Catholic District School Board	1.000
54.	Waterloo Catholic District School Board	1.000
55.	Niagara Catholic District School Board	1.000
56.	Brant Haldimand Norfolk Catholic District School Board	1.000
57.	Catholic District School Board of Eastern Ontario	1.000
58.	Ottawa-Carleton Catholic District School Board	1.000
59.	Renfrew County Catholic District School Board	1.000
60.	Algonquin and Lakeshore Catholic District School Board	1.032
61.	Conseil scolaire de district du Nord-Est de l'Ontario	1.110
62.	Conseil scolaire de district du Grand Nord de l'Ontario	1.116
63.	Conseil scolaire de district du Centre Sud-Ouest	1.000
64.	Conseil de district des écoles publiques de langue française n° 59	1.000
65.	Conseil scolaire de district catholique des Grandes Rivières	1.123
66.	Conseil scolaire de district catholique Franco-Nord	1.043
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1.118
68.	Conseil scolaire de district catholique des Aurores boréales	1.100
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	1.000
70.	Conseil scolaire de district catholique Centre-Sud	1.000
71.	Conseil scolaire de district catholique de l'Est ontarien	1.000
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	1.000

TABLE/TABLEAU 10

SCHOOLS FOR WHICH COST OF REPAIR IS PROHIBITIVE/
ÉCOLES DONT LE COÛT DES RÉPARATIONS EST PROHIBITIF

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	SFIS/ SIIS #	Elementary Schools/Écoles élémentaires	Secondary Schools/Écoles secondaires	Location/Endroit
1.	Bluewater District School Board	652	Durham District Community S		Durham
2.	Bluewater District School Board	5759		Warton DHS	Warton
3.	Conseil scolaire de district catholique Centre-Sud	9722		ÉS Jean-Vanier	Welland
4.	Conseil scolaire de district catholique des Aurores boréales	4199	Franco-Terrace, E		Terrace Bay
5.	Conseil scolaire de district catholique Franco-Nord	3018		Algonquin, E.s.	North Bay
6.	Conseil scolaire de district du Nord- Est de l'Ontario	10308	Sacre-Cœur, É.sép.		Kapuskasing

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	SFIS/ SIIS #	Elementary Schools/Écoles élémentaires	Secondary Schools/Écoles secondaires	Location/Endroit
7.	Conseil scolaire de district du Grand Nord de l'Ontario	5831	Jean-Ethier-Blais, E.p.		Sudbury
8.	District School Board of Niagara	1756	Park PS		Grimsby
9.	District School Board Ontario North East	6467	G H Ferguson		Cochrane
10.	Durham Catholic District School Board	8789	St. Joseph C.S.		Oshawa
11.	Durham District School Board	1286	R A Sennett PS		Whitby
12.	Greater Essex County District School Board	849	Frank W Begley Public School		Windsor
13.	Greater Essex County District School Board	1200	John Campbell Public School		Windsor
14.	Greater Essex County District School Board	1163	J E Benson Public School		Windsor
15.	Huron Perth Catholic District School Board	3145	St Joseph Sep S		Clinton
16.	Kawartha Pine Ridge District School Board	86	Apsley PS		Apsley
17.	Kenora Catholic District School Board	3443	Mount Carmel Sep S		Kenora
18.	Near North District School Board	2231	Frank Casey PS		Sturgeon Falls
19.	Nipissing-Parry Sound Catholic District School Board	5985	St. Theresa Catholic School		Corbeil
20.	Ottawa-Carleton Catholic District School Board	5815	Jean Vanier Catholic		Vanier
21.	Renfrew County District School Board	3559	Our Lady of Sorrows Sep S		Petawawa
22.	Simcoe County District School Board	8151	King Edward PS		Barrie
23.	Simcoe County District School Board	8157	Mount Slaven PS		Orillia
24.	Simcoe County District School Board	8165	Parkview PS		Midland
25.	Simcoe County District School Board	8168	Prince of Wales PS		Barrie
26.	Superior North Catholic District School Board	4230	St Martin		Terrace Bay
27.	Thames Valley District School Board	323	Caradoc South PS		Melbourne
28.	Upper Canada District School Board	388	Central PS		Cornwall
29.	Upper Grand District School Board	1211	John McCrae PS		Guelph
30.	Upper Grand District School Board	1559	Mono-Amaranth PS		Orangeville
31.	York Catholic District School Board	3361	John XXIII Sep S		Unionville
32.	York Catholic District School Board	4181	St Luke Sep S		Thornhill
33.	York Region District School Board	6368	George Bailey Building		Maple
34.	York Region District School Board	2552	Woodbridge PS		Woodbridge

TABLE/TABLEAU 11

OUTSTANDING CAPITAL COMMITMENTS/
ENGAGEMENTS D'IMMOBILISATIONS NON RÉALISÉS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Board Name/Nom du conseil	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
1.	Bluewater District School Board	0	111
2.	Conseil scolaire de district catholique de l'Est ontarien	41	0
3.	Conseil scolaire de district catholique Centre-Sud	0	452
4.	Conseil scolaire de district du Centre Sud-Ouest	144	0
5.	District School Board Ontario North East	281	0

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Board Name/Nom du conseil	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
6.	Dufferin-Peel Catholic District School Board	274	0
7.	Durham Catholic District School Board	79	0
8.	Greater Essex County District School Board	0	122
9.	Hamilton-Wentworth Catholic District School Board	204	224
10.	Keewatin-Patricia District School Board	69	0
11.	Near North District School Board	681	0
12.	Ottawa-Carleton District School Board	0	107
13.	Peel District School Board	0	83
14.	Simcoe County District School Board	91	0
15.	Simcoe Muskoka Catholic District School Board	274	0
16.	Superior-Greenstone District School Board	0	80
17.	Thunder Bay Catholic District School Board	137	0
18.	Toronto Catholic District School Board	0	25
19.	Upper Grand District School Board	0	188

TABLE/TABLEAU 12

PER PUPIL EXCLUSION FOR DECLINING ENROLMENT ADJUSTMENT/
MONTANT PAR ÉLÈVE À EXCLURE DU REDRESSEMENT POUR BAISSÉ DES EFFECTIFS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
1.	District School Board Ontario North East	241.32
2.	Algoma District School Board	220.98
3.	Rainbow District School Board	185.28
4.	Near North District School Board	189.96
5.	Keewatin-Patricia District School Board	264.45
6.	Rainy River District School Board	250.96
7.	Lakehead District School Board	172.30
8.	Superior-Greenstone District School Board	317.71
9.	Bluewater District School Board	170.44
10.	Avon Maitland District School Board	163.44
11.	Greater Essex County District School Board	157.61
12.	Lambton Kent District School Board	162.11
13.	Thames Valley District School Board	157.26
14.	Toronto District School Board	159.98
15.	Durham District School Board	158.28
16.	Kawartha Pine Ridge District School Board	159.09
17.	Trillium Lakelands District School Board	180.70
18.	York Region District School Board	158.64
19.	Simcoe County District School Board	158.16
20.	Upper Grand District School Board	162.88
21.	Peel District School Board	156.79
22.	Halton District School Board	159.06
23.	Hamilton-Wentworth District School Board	159.53
24.	District School Board of Niagara	159.91
25.	Grand Erie District School Board	159.87
26.	Waterloo Region District School Board	158.57
27.	Ottawa-Carleton District School Board	159.50
28.	Upper Canada District School Board	170.79
29.	Limestone District School Board	165.08
30.	Renfrew County District School Board	177.70
31.	Hastings and Prince Edward District School Board	164.83
32.	Northeastern Catholic District School Board	273.48
33.	Nipissing-Parry Sound Catholic District School Board	190.78
34.	Huron-Superior Catholic District School Board	231.50
35.	Sudbury Catholic District School Board	179.51
36.	Northwest Catholic District School Board	352.50

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
37.	Kenora Catholic District School Board	214.05
38.	Thunder Bay Catholic District School Board	173.79
39.	Superior North Catholic District School Board	368.80
40.	Bruce-Grey Catholic District School Board	187.87
41.	Huron Perth Catholic District School Board	178.78
42.	Windsor-Essex Catholic District School Board	158.83
43.	English-language Separate District School Board No. 38	157.60
44.	St. Clair Catholic District School Board	172.05
45.	Toronto Catholic District School Board	157.15
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	164.23
47.	York Catholic District School Board	156.86
48.	Dufferin-Peel Catholic District School Board	158.09
49.	Simcoe Muskoka Catholic District School Board	162.07
50.	Durham Catholic District School Board	158.26
51.	Halton Catholic District School Board	158.16
52.	Hamilton-Wentworth Catholic District School Board	157.45
53.	Wellington Catholic District School Board	163.67
54.	Waterloo Catholic District School Board	158.24
55.	Niagara Catholic District School Board	159.56
56.	Brant Haldimand Norfolk Catholic District School Board	165.23
57.	Catholic District School Board of Eastern Ontario	176.38
58.	Ottawa-Carleton Catholic District School Board	158.19
59.	Renfrew County Catholic District School Board	192.80
60.	Algonquin and Lakeshore Catholic District School Board	183.64
61.	Conseil scolaire de district du Nord-Est de l'Ontario	469.09
62.	Conseil scolaire de district du Grand Nord de l'Ontario	418.30
63.	Conseil scolaire de district du Centre Sud-Ouest	260.91
64.	Conseil de district des écoles publiques de langue française n° 59	224.80
65.	Conseil scolaire de district catholique des Grandes Rivières	258.79
66.	Conseil scolaire de district catholique Franco-Nord	222.91
67.	Conseil scolaire de district catholique du Nouvel-Ontario	253.40
68.	Conseil scolaire de district catholique des Aurores boréales	555.88
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	217.51
70.	Conseil scolaire de district catholique Centre-Sud	224.85
71.	Conseil scolaire de district catholique de l'Est ontarien	190.41
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	197.71

TABLE/TABLEAU 13

CLASSROOM EXPENDITURE PERCENTAGES/
POURCENTAGES DES DÉPENSES LIÉES AUX CLASSES

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Amounts/Sommes	Elementary % allocated to the classroom/ % alloué aux classes à l'élémentaire	Secondary % allocated to the classroom/ % alloué aux classes au secondaire
1.	Foundation Allocation/ Élément éducation de base	79.76%	76.26%
2.	Teacher qualification and experience/ Rémunération des enseignants	91.19%	84.52%
3.	Small Schools/ Petites écoles	51.63%	49.72%
4.	Remote & Rural Allocation/ Élément conseils ruraux et éloignés	75.24%	71.39%
5.	Early Learning/ Apprentissage durant les premières années d'études	71.04%	
6.	Adult Day School/ Éducation des adultes de jour		75.99%

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Amounts/Sommes	Elementary % allocated to the classroom/ % alloué aux classes à l'élémentaire	Secondary % allocated to the classroom/ % alloué aux classes au secondaire
7.	Native Language and French as a First or Second Language/ Langue autochtone et français langue première ou langue seconde	91.70%	85.44%
8.	ESL/ESD/ALF/PDF	88.00%	82.03%
9.	Learning Opportunities/ Programmes d'aide à l'apprentissage	78.34%	75.21%

RÈGLEMENT DE L'ONTARIO 139/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 9 avril 2003
déposé le 11 avril 2003

FINANCEMENT AXÉ SUR LES BESOINS DES ÉLÈVES — SUBVENTIONS GÉNÉRALES POUR L'EXERCICE 2003-2004 DES CONSEILS SCOLAIRES

PARTIE I DISPOSITIONS GÉNÉRALES

Interprétation

1. (1) Le présent règlement s'applique aux conseils pour l'exercice 2003-2004 et aux administrations responsables en ce qui a trait aux paiements visant la période allant du 1^{er} septembre 2003 au 31 août 2004.

(2) Les définitions qui suivent s'appliquent au présent règlement.

«AAS» Allocation d'aide spécialisée. («ISA»)

«ALF» Actualisation linguistique en français. («ALF»)

«ancien conseil» Sont exclus les conseils suivants :

- a) le Conseil de l'éducation de la municipalité d'East York;
- b) le Conseil de l'éducation de la cité d'Etobicoke;
- c) le Conseil de l'éducation de la cité de North York;
- d) le Conseil de l'éducation de la cité de Scarborough;
- e) le Conseil de l'éducation de la cité de Toronto;
- f) le Conseil de l'éducation de la cité de York;
- g) le Conseil des écoles françaises de la communauté urbaine de Toronto. («old board»)

«ancien conseil non parachevé» Ancien conseil auquel s'appliquait le paragraphe 4 (1) du Règlement de l'Ontario 78/97. («unextended old board»)

«conseil créé en vertu de l'article 68» Conseil créé en vertu de l'article 68 de la Loi. («section 68 board»)

«conseil désigné rattaché à un ancien conseil» S'entend du conseil scolaire de district mentionné dans la colonne 2 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil mentionné dans la colonne 1 de cette annexe. («designated board associated with an old board»)

«conseil isolé» Administration scolaire, à l'exclusion d'un conseil créé en vertu de l'article 68. («isolate board»)

- «conseil secondé rattaché à un ancien conseil» S'entend du conseil scolaire de district mentionné dans la colonne 3 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil mentionné dans la colonne 1 de cette annexe. («supported board associated with an old board»)
- «cours d'études personnelles» S'entend au sens du règlement sur l'effectif quotidien moyen de 2003-2004. («independent study course»)
- «économies liées au R.R.E.M.O.» Relativement à un conseil, s'entend des économies que celui-ci réalise pour l'année scolaire 2003-2004 par suite de la suspension des cotisations de l'employeur qui sont normalement payables à la Caisse de retraite des employés municipaux de l'Ontario pour le compte des employés du conseil qui participent au Régime de retraite des employés municipaux de l'Ontario. («OMERS savings»)
- «élève à mi-temps» S'entend au sens du règlement sur l'effectif quotidien moyen de 2003-2004. («half-time pupil»)
- «élève à temps partiel» S'entend au sens du règlement sur l'effectif quotidien moyen de 2003-2004. («part-time pupil»)
- «élève à temps plein» S'entend au sens du règlement sur l'effectif quotidien moyen de 2003-2004. («full-time pupil»)
- «élève de l'élémentaire» Élève inscrit à la maternelle, au jardin d'enfants ou à l'une des huit premières années d'études. («elementary school pupil»)
- «élève du secondaire» Élève inscrit à la neuvième, dixième, onzième ou douzième année d'études ou à un cours menant à l'obtention d'un crédit des cours préuniversitaires de l'Ontario. («secondary school pupil»)
- «ESD» English skills development. («ESD»)
- «ESL» English as a second language. («ESL»)
- «exercice 2003-2004» L'exercice qui commence le 1^{er} septembre 2003 et qui se termine le 31 août 2004. («2003-2004 fiscal year»)
- «horaire» S'entend au sens du règlement sur l'effectif quotidien moyen de 2003-2004. («cycle»)
- «immobilisation» S'entend de ce qui suit :
- a) l'emplacement scolaire qui offre ou est capable d'offrir des installations d'accueil pour les élèves et son agrandissement et l'amélioration qui y est apportée;
 - b) le bâtiment scolaire, un accessoire fixe d'un bâtiment scolaire ou un accessoire fixe d'un bien scolaire, ainsi que son agrandissement, sa transformation, sa rénovation ou les réparations importantes qui y sont apportées;
 - c) les meubles et le matériel qui doivent servir dans les bâtiments scolaires;
 - d) les documents de bibliothèque nécessaires à la dotation initiale d'une bibliothèque en matériel dans un bâtiment scolaire;
 - e) les installations situées sur un bien scolaire et servant à fournir à un bâtiment scolaire situé sur ce bien des services d'alimentation en eau, en électricité ou en gaz naturel, d'égouts, de fosses septiques, de chauffage, de climatisation, de téléphone ou de câblodistribution, ainsi que leur transformation, leur remplacement ou les réparations importantes qui y sont apportées;
 - f) la modification du niveau, du drainage ou de la surface des biens scolaires. («capital asset»)
- «PDF» Perfectionnement du français. («PDF»)
- «programme combiné de maternelle et de jardin d'enfants» Programme qui fonctionne selon un horaire de cinq jours et qui consiste en 600 minutes de maternelle pour les élèves qui sont inscrits au volet maternelle du programme et en 900 minutes de jardin d'enfants pour ceux inscrits au volet jardin d'enfants. («combined kindergarten program»)
- «recettes provenant d'autres sources» Relativement à un conseil scolaire de district, s'entend des recettes du conseil autres que les suivantes :
- a) les subventions payables au conseil en application du présent règlement;
 - b) la somme qui correspondrait aux recettes fiscales de 2003-2004 du conseil si aucune somme ne devait être déduite en application de la disposition 2 ou 3 du paragraphe 12 (1);
 - c) les sommes transférées d'un fonds de réserve. («revenue from other sources»)
- «règlement sur l'effectif quotidien moyen de 2003-2004» Le Règlement de l'Ontario 137/03. («2003-2004 A.D.E. regulation»)
- «règlement sur les droits de 2003-2004» Le Règlement de l'Ontario 138/03. («2003-2004 fees regulation»)
- «somme liée aux priorités locales» Relativement à un conseil scolaire de district, s'entend, pour l'exercice, de la somme calculée en multipliant par 200 \$ l'effectif quotidien moyen de jour de ses élèves pour 2003-2004. («local priorities amount»)

Elève d'un conseil

2. (1) Sous réserve des paragraphes (2) à (5), pour l'application du présent règlement, un élève est un élève d'un conseil s'il est inscrit à une école qui relève du conseil.

(2) L'élève qui reçoit un enseignement dans un programme d'enseignement dispensé par un conseil dans un établissement visé ou mentionné au paragraphe 20 (3) n'est pas un élève inscrit à une école qui relève du conseil pour l'application du paragraphe (1).

(3) Le paragraphe (4) s'applique si les conditions suivantes sont réunies :

- a) le territoire de compétence d'un conseil scolaire de district séparé comprend tout ou partie du territoire qui était, immédiatement avant le 1^{er} janvier 1998, le territoire de compétence d'un ancien conseil non parachevé;
- b) le conseil scolaire de district séparé ne fait pas fonctionner d'école secondaire dans le territoire qui était, immédiatement avant le 1^{er} janvier 1998, le territoire de compétence de l'ancien conseil non parachevé;
- c) le conseil scolaire de district séparé a conclu avec un conseil public une entente d'achat de services pour dispenser, dans des écoles situées dans le territoire qui était, immédiatement avant le 1^{er} janvier 1998, le territoire de compétence de l'ancien conseil non parachevé, un enseignement aux élèves du secondaire qui satisfont aux conditions requises pour être élèves résidents du conseil séparé.

(4) Pour l'application du présent règlement, les élèves qui reçoivent un enseignement aux termes de l'entente visée à l'alinéa (3) c) sont des élèves du conseil scolaire de district séparé et non du conseil public.

(5) Pour l'application du présent règlement, les élèves suivants ne sont pas des élèves d'un conseil même s'ils sont inscrits à une école du conseil :

1. Les élèves qui sont des Indiens inscrits résidant dans une réserve au sens de la *Loi sur les Indiens* (Canada).
2. Les élèves qui sont tenus de verser les droits précisés au paragraphe 49 (6) de la Loi.
3. Les élèves à l'égard desquels le conseil peut imposer des droits en vertu de l'article 5 du règlement sur les droits de 2003-2004.

Effectif

3. (1) Pour l'application du présent règlement, l'effectif quotidien moyen de jour des élèves d'un conseil pour 2003-2004 correspond à l'effectif quotidien moyen de jour du conseil calculé conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du conseil qui ne sont pas des élèves du secondaire âgés d'au moins 21 ans le 31 décembre 2003.

(2) Pour l'application du présent règlement, l'effectif quotidien moyen de jour des élèves de l'élémentaire d'un conseil pour 2003-2004 correspond à l'effectif quotidien moyen de jour du conseil calculé conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves de l'élémentaire du conseil.

(3) Pour l'application du présent règlement, l'effectif quotidien moyen de jour des élèves du secondaire d'un conseil pour 2003-2004 correspond à l'effectif quotidien moyen de jour du conseil calculé conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du secondaire du conseil qui sont âgés de moins de 21 ans le 31 décembre 2003.

(4) Pour l'application du présent règlement, l'effectif de jour à temps plein ou l'équivalent d'un conseil au 31 octobre 2003 est calculé selon la formule suivante :

$$A + B + C/D$$

où :

- «A» représente le nombre d'élèves à temps plein du conseil inscrits le 31 octobre 2003, à l'exclusion des élèves du secondaire qui sont âgés d'au moins 21 ans le 31 décembre 2003;
- «B» représente 0,5 fois le nombre d'élèves à mi-temps du conseil inscrits le 31 octobre 2003;
- «C» représente le total de tous les membres dont chacun est calculé pour chaque élève à temps partiel du conseil inscrit le 31 octobre 2003, à l'exclusion des élèves du secondaire qui sont âgés d'au moins 21 ans le 31 décembre 2003 et correspond au nombre de minutes pour lesquelles il est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut le 31 octobre 2003, à un cours autre qu'un cours d'études personnelles;
- «D» représente le produit du nombre de jours que compte l'horaire visé à la définition de «C» par 300.

(5) Si le présent règlement exige que les élèves soient dénombrés, mais qu'il ne prévoit pas que le dénombrement soit effectué en fonction de l'effectif quotidien moyen ou de l'effectif à temps plein ou l'équivalent, chaque élève, qu'il soit à temps plein, à mi-temps ou à temps partiel, compte pour un élève.

Niveau d'exactitude

4. (1) Le dénombrement des élèves qui est effectué pour l'application du présent règlement en fonction de l'effectif quotidien moyen ou de l'effectif à temps plein ou l'équivalent se fait à deux décimales près.

(2) Le dénombrement des enseignants ou des aides-enseignants qui est effectué pour l'application du présent règlement en fonction de l'équivalence à temps plein se fait à une décimale près.

Subventions générales

5. (1) La subvention générale payable pour l'exercice à un conseil scolaire de district correspond à la somme calculée en application de la partie II.

(2) La subvention générale payable pour l'exercice à un conseil isolé correspond à la somme calculée en application de l'article 46.

(3) La subvention générale payable pour l'exercice à un conseil créé en vertu de l'article 68 correspond à la somme calculée en application de l'article 47.

Versements

6. Les subventions générales payables en application du présent règlement se fondent sur des estimations pendant l'exercice. Les redressements éventuels nécessaires sont effectués lorsque les données, notamment les données financières et l'effectif réels, sont connues.

Conditions du versement des subventions

7. (1) L'obligation pour les conseils de se conformer aux lois dont l'application relève du ministre et aux textes pris en application de telles lois, notamment des règlements, des politiques, des lignes directrices ou des directives, est une condition du versement des subventions prévues par le présent règlement.

(2) Si le conseil contrevient à une loi dont l'application relève du ministre ou à un texte pris en application d'une telle loi, notamment un règlement, une politique, une ligne directrice ou une directive, le ministre peut retenir tout ou partie de la subvention qui lui est payable par ailleurs en application de la Loi.

(3) Sans préjudice de la portée générale du paragraphe (2), si le conseil contrevient au paragraphe 170.2 (2) ou 170.2.1 (2) de la Loi, le ministre peut retenir tout ou partie de la subvention qui lui est payable par ailleurs en application de la Loi.

Redressement du trop-payé

8. (1) Si un conseil a reçu une somme supérieure à celle qui lui était payable en application d'un règlement sur les subventions générales, le trop-payé, s'il n'a pas été déduit des subventions qui lui sont payables en application d'autres règlements sur les subventions générales, est déduit de celles qui lui sont payables en application du présent règlement.

(2) Si un ancien conseil a reçu une somme supérieure à celle qui lui était payable en application d'un règlement sur les subventions générales, le trop-payé, s'il n'a pas été déduit des subventions qui sont payables au conseil désigné ou au conseil secondé qui lui est rattaché en application d'autres règlements sur les subventions générales, est déduit de celles qui sont payables à ces derniers en application du présent règlement, conformément aux facteurs de répartition pertinents établis aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».

Redressement du moins-payé

9. (1) Si un conseil a reçu une somme inférieure à celle qui lui était payable en application d'un règlement sur les subventions générales, le moins-payé qui reste impayé est ajouté aux subventions qui lui sont payables en application du présent règlement.

(2) Si un ancien conseil a reçu une somme inférieure à celle qui lui était payable en application d'un règlement sur les subventions générales, le moins-payé qui reste impayé est ajouté aux subventions qui sont payables au conseil désigné ou au conseil secondé qui lui est rattaché en application du présent règlement, conformément aux facteurs de répartition pertinents établis aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».

PARTIE II

SUBVENTIONS EN FAVEUR DES CONSEILS SCOLAIRES DE DISTRICT

Éléments de la subvention

10. (1) Un conseil scolaire de district a droit aux éléments suivants, selon les montants calculés en application de la présente partie, lors du calcul de la subvention qui lui est payable pour l'exercice :

1. Éducation de base.
2. Éducation de l'enfance en difficulté.

3. Enseignement des langues.
4. Petites écoles.
5. Conseils ruraux et éloignés.
6. Programmes d'aide à l'apprentissage.
7. Éducation permanente et autres programmes.
8. Compétence et expérience des enseignants.
9. Apprentissage durant les premières années d'études.
10. Transport des élèves.
11. Administration et gestion.
12. Installations d'accueil pour les élèves.
13. Service de la dette.

(2) Pour l'application de la présente partie, un ancien conseil est remplacé par un conseil scolaire de district si ce dernier est mentionné dans la colonne 2 ou 3 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil qui est mentionné dans la colonne 1 de cette annexe.

Montant de la subvention

11. La subvention payable à un conseil scolaire de district pour l'exercice correspond à la somme calculée selon la formule suivante :

$$(A + B) - (C + D + E + F)$$

où :

- «A» représente le montant total des éléments auxquels le conseil a droit pour l'exercice;
- «B» représente le redressement pour baisse des effectifs du conseil pour l'exercice;
- «C» représente les recettes fiscales de 2003-2004 du conseil, calculées en application du présent règlement;
- «D» représente les économies liées au R.R.E.M.O. pour le conseil;
- «E» représente le total des droits que le conseil a reçus pour l'exercice à l'égard d'élèves visés au paragraphe 46 (2) de la Loi, calculés en application de l'article 4 du règlement sur les droits de 2003-2004;
- «F» représente la somme visée au paragraphe 233 (1) de la Loi qui se trouve dans le fonds de réserve du conseil le 31 août 2004 avant le virement prévu au paragraphe 233 (2) de la Loi.

Recettes fiscales de 2003-2004

12. (1) Les recettes fiscales de 2003-2004 d'un conseil scolaire de district sont calculées de la manière suivante :

1. Additionner ce qui suit :
 - i. 38 pour cent de la somme de ce qui suit :
 - A. le total des sommes remises au conseil à l'égard de l'année civile 2003 en application des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la *Loi sur l'éducation*, des articles 447.20 et 447.52 de la *Loi sur les municipalités*, tels qu'ils s'appliquent par l'effet de l'article 474 de la *Loi de 2001 sur les municipalités*, des paragraphes 353 (4), 364 (22) et 365.2 (16) de la *Loi de 2001 sur les municipalités*, de l'article 10 du Règlement de l'Ontario 509/98 et du paragraphe 13 (2) du Règlement de l'Ontario 3/02,
 - B. les sommes éventuelles visées au paragraphe 364 (22) de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet de l'article 257.12.3 de la *Loi sur l'éducation*, qui sont versées au conseil à l'égard de l'année civile 2003,
 - C. le total de toutes les sommes éventuelles qu'une municipalité verse au conseil à l'égard de l'année civile 2003 en application du paragraphe 353 (4) ou 366 (3) de la *Loi de 2001 sur les municipalités*,
 - D. les sommes éventuelles que le conseil affecte au paiement du coût d'annulation de biens-fonds vendus pour arriérés d'impôts pendant l'année civile 2003, en application de l'article 380 de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet du paragraphe 371 (2) de cette loi,
 - E. les paiements tenant lieu d'impôts remis au conseil à l'égard de l'année civile 2003 en vertu du paragraphe 322 (1) de la *Loi de 2001 sur les municipalités*,

- F. les subventions éventuelles versées au conseil à l'égard de l'année civile 2003 en vertu du paragraphe 302 (2) de la *Loi de 2001 sur les municipalités*,
 - G. les sommes éventuelles que le conseil reçoit à l'égard de l'année civile 2003 en vertu de la *Loi sur les paiements versés en remplacement d'impôts* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles,
- ii. 62 pour cent de la somme de ce qui suit :
- A. le total des sommes remises au conseil à l'égard de l'année civile 2004 en application des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la *Loi sur l'éducation*, des articles 447.20 et 447.52 de la *Loi sur les municipalités*, tels qu'ils s'appliquent par l'effet de l'article 474 de la *Loi de 2001 sur les municipalités*, des paragraphes 353 (4), 364 (22) et 365.2 (16) de la *Loi de 2001 sur les municipalités*, de l'article 10 du Règlement de l'Ontario 509/98 et du paragraphe 13 (2) du Règlement de l'Ontario 3/02,
 - B. les sommes éventuelles visées au paragraphe 364 (22) de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet de l'article 257.12.3 de la *Loi sur l'éducation*, qui sont versées au conseil à l'égard de l'année civile 2004,
 - C. le total de toutes les sommes éventuelles qu'une municipalité verse au conseil à l'égard de l'année civile 2004 en application du paragraphe 353 (4) ou 366 (3) de la *Loi de 2001 sur les municipalités*,
 - D. les sommes éventuelles que le conseil affecte au paiement du coût d'annulation de biens-fonds vendus pour arriérés d'impôts pendant l'année civile 2004, en application de l'article 380 de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet du paragraphe 371 (2) de cette loi,
 - E. les paiements tenant lieu d'impôts remis au conseil à l'égard de l'année civile 2004 en vertu du paragraphe 322 (1) de la *Loi de 2001 sur les municipalités*,
 - F. les subventions éventuelles versées au conseil à l'égard de l'année civile 2004 en vertu du paragraphe 302 (2) de la *Loi de 2001 sur les municipalités*,
 - G. les sommes éventuelles que le conseil reçoit à l'égard de l'année civile 2004 en vertu de la *Loi sur les paiements versés en remplacement d'impôts* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles,
- iii. le total des impôts que le conseil reçoit à l'égard de l'année civile 2003 en application de l'article 35 de la *Loi sur l'évaluation foncière*,
- iv. le total des sommes éventuelles remises au conseil au cours de l'exercice en application du paragraphe 2 (2) du Règlement de l'Ontario 365/98,
- v. le total des sommes éventuelles versées au conseil au cours de l'exercice en application de l'alinéa 3 (1) a) du Règlement de l'Ontario 366/98.
2. Si le conseil est tenu de prélever des impôts scolaires à l'égard de biens situés dans un territoire non érigé en municipalité, déduire la somme de ce qui suit :
- i. 50 000 \$,
 - ii. 0,76 pour cent du total des impôts scolaires prélevés pour l'année civile 2003 et de ceux que le conseil a prélevés pour cette année-là en application de l'article 21.1 de la *Loi sur l'impôt foncier provincial*,
 - iii. 1,24 pour cent du total des impôts visés à la sous-disposition ii que le conseil prélève pour l'année civile 2004.
3. Déduire les frais dont le conseil est redevable en application de la *Loi de 1996 sur les élections municipales* et qu'il engage pendant l'exercice pour tenir l'élection de membres dans un territoire non érigé en municipalité qui est réputé une municipalité de district pour l'application de l'alinéa 257.12 (3) a) de la *Loi sur l'éducation*.
4. Déduire les sommes qu'un conseil municipal a exigées du conseil pendant l'année civile 2003 en application de l'article 353 de la *Loi de 2001 sur les municipalités*, y compris les sommes exigées en application de cet article par suite d'une loi d'intérêt privé.
5. Déduire le total des sommes que le conseil remet, paie ou porte au crédit de quelqu'un en application des articles 257.2.1 et 257.12.3 de la *Loi* pendant l'exercice.
6. Déduire 38 pour cent du total des sommes éventuelles que le conseil verse à l'égard de l'année civile 2003 en application des paragraphes 361 (7), 364 (11), 365 (3), 365.1 (13) à (15) et (17) à (19) et 365.2 (8) de la *Loi de 2001 sur les municipalités*.

1. Devenir 02 pour cent du total des sommes éventuelles que le conseil verse à l'égard de l'année civile 2004 en application des paragraphes 361 (7), 364 (11), 365 (3), 365.1 (13) à (15) et (17) à (19) et 365.2 (8) de la *Loi de 2001 sur les municipalités*.

(2) Les règles suivantes s'appliquent au calcul des recettes fiscales de 2003-2004 d'un conseil scolaire de district :

1. Les sommes éventuelles que le ministre verse au conseil à l'égard de l'année civile 2003 en application de l'article 257.10.1 ou 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 2003 en application d'une disposition de la Loi visée à la sous-sous-disposition 1 i A du paragraphe (1).
2. Les sommes éventuelles que le ministre verse au conseil à l'égard de l'année civile 2004 en application de l'article 257.10.1 ou 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 2004 en application d'une disposition de la Loi visée à la sous-sous-disposition 1 ii A du paragraphe (1).

Élément éducation de base

13. (1) L'élément éducation de base d'un conseil scolaire de district pour l'exercice est calculé en additionnant la somme de base du conseil pour l'exercice et la somme liée aux priorités locales du conseil pour l'exercice.

(2) La somme de base du conseil pour l'exercice correspond au total des sommes suivantes :

1. La somme calculée en multipliant par 3 685 \$ l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
2. La somme calculée en multipliant par 4 481 \$ l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.

Élément éducation de l'enfance en difficulté

14. L'élément éducation de l'enfance en difficulté d'un conseil scolaire de district pour l'exercice correspond au total des sommes suivantes :

1. La somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour le conseil pour l'exercice.
2. Les demandes d'AAS de niveau 1, de niveau 2 et de niveau 3 pour le conseil pour l'exercice.
3. Les demandes d'AAS pour cas spéciaux pour le conseil pour l'exercice, après les redressements exigés en application de l'article 21.
4. La somme liée aux programmes dispensés dans des établissements pour le conseil pour l'exercice.

Somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif

15. La somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour un conseil pour l'exercice est calculée de la manière suivante :

1. Multiplier par 562 \$ l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004, en ne comptant que les élèves inscrits à la maternelle, au jardin d'enfants et aux première, deuxième et troisième années, pour obtenir la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour ces élèves.
2. Multiplier par 424 \$ l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004, en ne comptant que les élèves inscrits aux quatrième, cinquième, sixième, septième et huitième années, pour obtenir la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour ces élèves.
3. Multiplier par 274 \$ l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004 pour obtenir la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour ces élèves.
4. Additionner les produits obtenus en application des dispositions 1, 2 et 3 pour obtenir la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif du conseil pour l'exercice.

AAS de niveau 1

16. (1) Pour l'application du paragraphe (2), une demande d'AAS de niveau 1 visant un élève d'un conseil scolaire de district est approuvée si les conditions suivantes sont réunies :

- a) le conseil a désigné l'élève comme élève admissible à une AAS de niveau 1 conformément à la publication du ministère intitulée «Allocation d'aide spécialisée (AAS) — Lignes directrices à l'intention des conseils scolaires, Printemps 2001» et le ministre a approuvé la désignation;
- b) le conseil a présenté une demande d'AAS de niveau 1 pour l'exercice à l'égard des dépenses en matériel spécial destiné à l'élève qui dépassent 800 \$, conformément à la publication visée à l'alinéa a), et le ministre a approuvé la demande.

(2) La demande d'AAS de niveau 1 pour un conseil pour l'exercice correspond au total de toutes les demandes d'AAS de niveau 1 approuvées à l'égard des élèves du conseil, après les redressements exigés en application de l'article 21.

AAS de niveau 2

17. (1) Pour l'application du paragraphe (2), une demande d'AAS de niveau 2 visant un élève d'un conseil scolaire de district est approuvée si les conditions suivantes sont réunies :

- a) l'élève est inscrit, le 31 octobre 2003, à une école qui relève du conseil;
- b) le ministre est d'avis que l'élève satisfait aux critères d'admissibilité pour les demandes d'AAS de niveau 2 précisés dans la publication du ministère intitulée «Addenda. AAS Lignes directrices 2001-2002».

(2) La demande d'AAS de niveau 2 pour un conseil pour l'exercice est calculée en multipliant le total de toutes les demandes d'AAS de niveau 2 approuvées à l'égard des élèves du conseil par 12 000 \$.

AAS de niveau 3

18. (1) Pour l'application du paragraphe (2), une demande d'AAS de niveau 3 visant un élève d'un conseil scolaire de district est approuvée si les conditions suivantes sont réunies :

- a) l'élève est inscrit, le 31 octobre 2003, à une école qui relève du conseil;
- b) le ministre est d'avis que l'élève satisfait aux critères d'admissibilité pour les demandes d'AAS de niveau 3 précisés dans la publication du ministère intitulée «Addenda. AAS Lignes directrices 2001-2002».

(2) La demande d'AAS de niveau 3 pour un conseil pour l'exercice est calculée en multipliant le total de toutes les demandes d'AAS de niveau 3 approuvées à l'égard des élèves du conseil par 27 000 \$.

AAS pour cas spéciaux

19. Une demande d'AAS pour cas spéciaux visant un élève d'un conseil est approuvée si les conditions suivantes sont réunies :

- a) le conseil a désigné l'élève comme élève exigeant une aide financière pour cas spéciaux, conformément à la publication du ministère intitulée «Allocation d'aide spécialisée (AAS) — Lignes directrices à l'intention des conseils scolaires, Printemps 2001», et le ministre a approuvé la désignation;
- b) le conseil a présenté à l'égard de l'élève pour l'exercice une demande d'AAS pour cas spéciaux qui n'est pas supérieure à 27 000 \$, conformément à la publication visée à l'alinéa a), et le ministre a approuvé la demande.

Somme liée aux programmes dispensés dans des établissements

20. (1) La somme liée aux programmes dispensés dans des établissements pour un conseil pour l'exercice correspond au total de toutes les sommes dont chacune est liée à un programme d'enseignement admissible que celui-ci dispense dans un établissement visé au paragraphe (3).

(2) Un programme d'enseignement que dispense le conseil dans un établissement visé au paragraphe (3) est admissible pour l'application du présent article si les conditions suivantes sont réunies :

1. Le programme est dispensé par un enseignant qu'emploie le conseil.
2. La province n'offre aucun programme de ce genre dans l'établissement.
3. Le conseil a conclu avec l'établissement une entente écrite qui précise :
 - i. d'une part, les responsabilités de l'établissement en ce qui concerne la fourniture de facilités d'accueil,
 - ii. d'autre part, les responsabilités du conseil en ce qui concerne la prestation du programme, notamment le nombre d'enseignants et d'aides-enseignants qu'il doit employer aux fins du programme.
4. Le ministre a approuvé le plan de dotation élaboré à l'égard du programme et il est convaincu de ce qui suit :
 - i. l'entente visée à la disposition 3 précise adéquatement les responsabilités du conseil et de l'établissement,
 - ii. il est nécessaire que le conseil dispense le programme dans l'établissement.

(3) Les établissements suivants sont des établissements pour l'application du présent article :

1. Les établissements psychiatriques.
2. Les établissements de bienfaisance agréés au sens de la *Loi sur les établissements de bienfaisance*.
3. Les agences agréées en vertu du paragraphe 8 (1) de la *Loi sur les services à l'enfance et à la famille*.
4. Les établissements désignés en vertu de la *Loi sur les services aux personnes ayant une déficience intellectuelle*.
5. Les lieux de détention provisoire, de garde en milieu ouvert ou de garde en milieu fermé maintenus ou mis sur pied en vertu de l'article 89 de la *Loi sur les services à l'enfance et à la famille*.
6. Les foyers de soins spéciaux titulaires d'un permis en vertu de la *Loi sur les foyers de soins spéciaux*.
7. Les hôpitaux approuvés par le ministre.

8. Les maisons de soins infirmiers exploitées en application d'un permis délivré en vertu de la *Loi sur les maisons de soins infirmiers*.
9. Les établissements correctionnels au sens de la *Loi sur le ministère des Services correctionnels*.
10. Les lieux de détention provisoire et les lieux de garde au sens de la *Loi sur le système de justice pénale pour les adolescents* (Canada).

(4) Sous réserve des paragraphes (5) et (6), la somme liée à un programme d'enseignement admissible est calculée de la manière suivante :

1. Calculer les dépenses que le conseil a engagées au cours de l'exercice au titre des salaires et des avantages sociaux des enseignants qu'il emploie pour dispenser le programme. La somme calculée en application de la présente disposition ne doit pas dépasser celle qu'il pourrait engager au titre des salaires et des avantages sociaux des enseignants dans le cadre du plan de dotation visé à la disposition 4 du paragraphe (2).
2. Multiplier par 2 500 \$ le nombre d'enseignants à temps plein ou l'équivalent que le conseil emploie pour dispenser le programme. Pour l'application de la présente disposition, le dénombrement se fait selon les méthodes qu'il utilise habituellement aux fins de la dotation.
3. Calculer les dépenses que le conseil a engagées au cours de l'exercice au titre des salaires et des avantages sociaux des aides-enseignants qu'il emploie pour aider les enseignants à dispenser le programme. La somme calculée en application de la présente disposition ne doit pas dépasser celle qu'il pourrait engager au titre des salaires et des avantages sociaux des aides-enseignants dans le cadre du plan de dotation visé à la disposition 4 du paragraphe (2).
4. Multiplier par 1 220 \$ le nombre d'aides-enseignants à temps plein ou l'équivalent que le conseil emploie pour aider les enseignants à dispenser le programme. Pour l'application de la présente disposition, le dénombrement se fait selon les méthodes qu'il utilise habituellement aux fins de la dotation.
5. Calculer les dépenses que le conseil a engagées au cours de l'exercice pour acheter des meubles ou du matériel pour les salles de classe utilisées dans le cadre du programme. Sauf approbation du ministre, le total de la somme calculée pour une salle de classe en application de la présente disposition et du total de toutes les sommes reçues à l'égard de cette classe en application de dispositions semblables de règlements antérieurs sur les subventions législatives ne doit pas dépasser 3 300 \$.
6. Additionner les sommes calculées en application des dispositions 1 à 5.

(5) Malgré le paragraphe (4), si le ministère offrait auparavant le programme d'enseignement dans l'établissement, la somme liée au programme d'enseignement admissible pour l'exercice est égale au coût du programme que propose le conseil et qu'approuve le ministre et non à la somme calculée en application du paragraphe (4).

(6) Malgré les paragraphes (4) et (5), la somme calculée par ailleurs en application du présent article pour un programme d'enseignement admissible est réduite de la somme que le ministre estime indiquée compte tenu des frais raisonnables que le conseil engage à l'égard du programme si celui-ci, selon le cas :

- a) a une envergure moins grande que ne le prévoit la documentation que le conseil soumet à l'examen du ministre pour l'application de la disposition 4 du paragraphe (2);
- b) n'est pas dispensé pendant l'année scolaire 2003-2004;
- c) cesse d'être dispensé pendant l'année scolaire 2003-2004.

(7) Lorsqu'il donne les approbations visées au présent article, le ministre veille à ce que le total des sommes liées aux programmes offerts dans les établissements calculées pour tous les conseils scolaires de district en application de ce même article pour l'exercice ne dépasse pas 74 millions de dollars.

Éducation de l'enfance en difficulté, déménagement à un nouveau conseil

21. (1) Le paragraphe (2) s'applique si, selon le cas :

- a) du matériel spécial a été acheté au moyen d'une demande d'AAS de niveau 1 approuvée pour un conseil scolaire de district pour l'exercice ou un exercice antérieur à l'égard d'un élève qui s'inscrit, pendant l'exercice, à une école qui relève d'un conseil scolaire de district différent ou d'un conseil créé en vertu de l'article 68;
- b) un conseil créé en vertu de l'article 68 a engagé des dépenses pour acheter du matériel spécial à l'égard d'un élève d'un conseil scolaire de district qui s'inscrit, pendant l'exercice, à une école qui relève d'un conseil scolaire de district différent.

(2) Le matériel spécial visé au paragraphe (1) suit l'élève au nouveau conseil, sauf si ce dernier est d'avis qu'il n'est pas pratique de le déménager.

(3) Le paragraphe (4) s'applique si une demande d'AAS de niveau 1 a été approuvée pour un conseil scolaire de district à l'égard d'un élève qui s'inscrit, pendant l'exercice, à une école qui relève d'un conseil scolaire de district différent.

(4) Toute fraction non dépensée de la demande d'AAS de niveau I approuvée à l'égard de l'élève est déduite de la somme calculée en application du paragraphe 16 (2) pour l'ancien conseil et est ajoutée à la somme calculée en application du même paragraphe pour le nouveau conseil.

(5) Le paragraphe (6) s'applique si l'élève réunit les conditions suivantes :

- a) il était un élève approuvé à l'égard d'une AAS pour cas spéciaux pour un conseil scolaire de district;
- b) il s'inscrit à une école qui relève d'un conseil scolaire de district différent après la fin de l'année scolaire 2002-2003.

(6) La somme totale liée aux demandes d'AAS pour cas spéciaux approuvées pour les élèves du conseil visé à l'alinéa (5) a) est réduite dans la proportion éventuelle que le ministre estime indiquée compte tenu des frais que chaque conseil engage pendant l'exercice relativement au programme d'enseignement à l'enfance en difficulté dispensé à l'élève, et la somme liée aux demandes d'AAS pour cas spéciaux approuvées pour les élèves du conseil visé à l'alinéa (5) b) est augmentée dans la même proportion.

Élément enseignement des langues — conseils de langue anglaise

22. L'élément enseignement des langues pour un conseil scolaire de district de langue anglaise pour l'exercice est calculé en additionnant ce qui suit :

- a) la somme liée aux programmes de français langue seconde pour le conseil pour l'exercice;
- b) la somme liée aux programmes de langue autochtone pour le conseil pour l'exercice;
- c) la somme liée aux programmes d'ESL/ESD pour le conseil pour l'exercice.

Somme liée aux programmes de français langue seconde

23. (1) La somme liée aux programmes de français langue seconde pour un conseil scolaire de district de langue anglaise pour l'exercice est calculée en additionnant ce qui suit :

- a) la somme liée aux programmes de français langue seconde concernant les élèves de l'élémentaire du conseil;
- b) la somme liée aux programmes de français langue seconde concernant les élèves du secondaire du conseil.

(2) La somme liée aux programmes de français langue seconde concernant les élèves de l'élémentaire d'un conseil est calculée de la manière suivante :

1. Multiplier par 244 \$ le nombre d'élèves du conseil inscrits aux quatrième, cinquième, sixième, septième et huitième années qui, le 31 octobre 2003, ont un emploi du temps prévoyant un enseignement en français pendant 20 minutes ou plus, mais moins de 60 minutes, en moyenne par jour de classe.
2. Multiplier par 278 \$ le nombre d'élèves du conseil inscrits aux quatrième, cinquième, sixième, septième et huitième années qui, le 31 octobre 2003, ont un emploi du temps prévoyant un enseignement en français pendant 60 minutes ou plus, mais moins de 150 minutes, en moyenne par jour de classe.
3. Multiplier par 311 \$ le nombre d'élèves du conseil inscrits aux huit premières années d'études qui, le 31 octobre 2003, ont un emploi du temps prévoyant un enseignement en français pendant 150 minutes ou plus en moyenne par jour de classe.
4. Multiplier par 311 \$ le nombre d'élèves du conseil inscrits à la maternelle ou au jardin d'enfants qui, le 31 octobre 2003, ont un emploi du temps prévoyant un enseignement en français pendant 75 minutes ou plus en moyenne par jour de classe.
5. Additionner les sommes calculées en application des dispositions 1 à 4.

(3) La somme liée aux programmes de français langue seconde pour les élèves du secondaire d'un conseil est calculée de la manière suivante :

1. Calculer la somme liée à l'enseignement du français en neuvième et en dixième année en multipliant par 62 \$ le total des sommes calculées en application des sous-dispositions suivantes :
 - i. Calculer la valeur en crédits de chaque cours de français qui est enseigné sur une base non semestrielle en neuvième et en dixième année. Multiplier la valeur en crédits par le nombre d'élèves du conseil inscrits au cours le 31 octobre 2003, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
 - ii. Calculer la valeur en crédits de chaque cours de français qui est enseigné sur une base semestrielle en neuvième et en dixième année. Multiplier la valeur en crédits par le total du nombre d'élèves du conseil inscrits au cours le 31 octobre 2003 et du nombre d'élèves du conseil inscrits au cours le 31 mars 2004, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
2. Calculer la somme liée à l'enseignement d'une matière autre que le français en neuvième et en dixième année dont la langue d'enseignement est le français, en multipliant par 102 \$ le total des sommes calculées en application des sous-dispositions suivantes :

- i. Calculer la valeur en crédits de chaque cours enseigné en français sur une base non semestrielle en neuvième et en dixième année dans une matière autre que le français. Multiplier la valeur en crédits par le nombre d'élèves du conseil inscrits au cours le 31 octobre 2003, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
- ii. Calculer la valeur en crédits de chaque cours enseigné en français sur une base semestrielle en neuvième et en dixième année dans une matière autre que le français. Multiplier la valeur en crédits par le total du nombre d'élèves du conseil inscrits au cours le 31 octobre 2003 et du nombre d'élèves du conseil inscrits au cours le 31 mars 2004, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
3. Calculer la somme liée à l'enseignement du français en onzième année, en douzième année et dans un cours préuniversitaire de l'Ontario en multipliant par 82 \$ le total des sommes calculées en application des sous-dispositions suivantes :
 - i. Calculer la valeur en crédits de chaque cours de français qui est enseigné sur une base non semestrielle en onzième année, en douzième année et dans un cours préuniversitaire de l'Ontario. Multiplier la valeur en crédits par le nombre d'élèves du conseil inscrits au cours le 31 octobre 2003, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
 - ii. Calculer la valeur en crédits de chaque cours de français qui est enseigné sur une base semestrielle en onzième année, en douzième année et dans un cours préuniversitaire de l'Ontario. Multiplier la valeur en crédits par le total du nombre d'élèves du conseil inscrits au cours le 31 octobre 2003 et du nombre d'élèves du conseil inscrits au cours le 31 mars 2004, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
4. Calculer la somme liée à l'enseignement d'une matière autre que le français en onzième année, en douzième année et dans un cours préuniversitaire de l'Ontario si la langue d'enseignement est le français en multipliant par 159 \$ le total des sommes calculées en application des sous-dispositions suivantes :
 - i. Calculer la valeur en crédits de chaque cours dont la matière n'est pas le français et qui est enseigné en français sur une base non semestrielle en onzième année, en douzième année et dans un cours préuniversitaire de l'Ontario. Multiplier la valeur en crédits par le nombre d'élèves du conseil inscrits au cours le 31 octobre 2003, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
 - ii. Calculer la valeur en crédits de chaque cours dont la matière n'est pas le français et qui est enseigné en français sur une base semestrielle en onzième année, en douzième année et dans un cours préuniversitaire de l'Ontario. Multiplier la valeur en crédits par le total du nombre d'élèves du conseil inscrits au cours le 31 octobre 2003 et du nombre d'élèves du conseil inscrits au cours le 31 mars 2004, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.

5. Additionner les sommes calculées en application des dispositions 1 à 4.

(4) Les définitions qui suivent s'appliquent au présent article.

«cours» Cours du niveau secondaire qui a reçu un code du système uniforme de codage des cours publié par le ministère.

(«course»)

«enseignement en français» Enseignement du français comme matière ou enseignement de toute autre matière si la langue d'enseignement est le français. («instruction in French»)

«valeur en crédits» Relativement à un cours auquel est inscrit un élève, s'entend du nombre de crédits que celui-ci a le droit d'obtenir lorsqu'il termine le cours avec succès. («credit value»)

Somme liée aux programmes de langue autochtone

24. (1) La somme liée aux programmes de langue autochtone d'un conseil scolaire de district de langue anglaise ou d'un conseil scolaire de district de langue française pour l'exercice est calculée en additionnant la somme liée aux programmes de langue autochtone pour les élèves de l'élémentaire du conseil et la somme liée aux programmes de langue autochtone pour les élèves du secondaire du conseil.

(2) La somme liée aux programmes de langue autochtone pour les élèves de l'élémentaire du conseil correspond au total des sommes calculées en application des dispositions suivantes :

1. Multiplier par 234 \$ le nombre d'élèves de l'élémentaire du conseil qui, le 31 octobre 2003, ont un emploi du temps prévoyant l'enseignement d'une langue autochtone pendant 20 minutes ou plus, mais moins de 40 minutes, en moyenne par jour de classe.
2. Multiplier par 416 \$ le nombre d'élèves de l'élémentaire du conseil qui, le 31 octobre 2003, ont un emploi du temps prévoyant l'enseignement d'une langue autochtone pendant 40 minutes ou plus en moyenne par jour de classe.

(3) La somme liée aux programmes de langue autochtone pour les élèves du secondaire du conseil correspond au total des sommes calculées en application des dispositions suivantes :

1. Multiplier par 62 \$ la somme des produits obtenus en multipliant la valeur en crédits de chaque cours de langue autochtone de niveau I, II ou III qui est enseigné sur une base non semestrielle par le nombre d'élèves du conseil inscrits au cours le 31 octobre 2003, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
2. Multiplier par 62 \$ la somme des produits obtenus en multipliant la valeur en crédits de chaque cours de langue autochtone de niveau I, II ou III qui est enseigné sur une base semestrielle par le total du nombre d'élèves du conseil inscrits au cours le 31 octobre 2003 et du nombre d'élèves du conseil inscrits au cours le 31 mars 2004, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
3. Multiplier par 82 \$ la somme des produits obtenus en multipliant la valeur en crédits de chaque cours de langue autochtone qui est enseigné sur une base non semestrielle en onzième année, en douzième année ou dans un cours préuniversitaire de l'Ontario par le nombre d'élèves du conseil inscrits au cours le 31 octobre 2003, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
4. Multiplier par 82 \$ la somme des produits obtenus en multipliant la valeur en crédits de chaque cours de langue autochtone qui est enseigné sur une base semestrielle en onzième année, en douzième année ou dans un cours préuniversitaire de l'Ontario par le total du nombre d'élèves du conseil inscrits au cours le 31 octobre 2003 et du nombre d'élèves du conseil inscrits au cours le 31 mars 2004, à l'exclusion des élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.

(4) Les définitions qui suivent s'appliquent au présent article.

«cours» Cours du niveau secondaire qui a reçu un code du système uniforme de codage des cours publié par le ministère.
(«course»)

«valeur en crédits» Relativement à un cours auquel est inscrit un élève, s'entend du nombre de crédits que celui-ci a le droit d'obtenir lorsqu'il termine le cours avec succès. («credit value»)

Somme liée aux programmes d'ESL/ESD

25. (1) La somme liée aux programmes d'ESL/ESD pour un conseil scolaire de district de langue anglaise pour l'exercice est calculée en additionnant la somme indiquée pour le conseil au tableau 1 et le produit obtenu en multipliant par 2 834 \$ la somme de ce qui suit :

- a) le nombre, au 31 octobre 2003, des élèves du conseil :
 - (i) qui sont nés dans des pays visés au paragraphe (2) après le 31 décembre 1982,
 - (ii) qui sont arrivés au Canada pendant la période qui commence le 1^{er} septembre 2002 et qui se termine le 31 octobre 2003;
- b) la somme obtenue en multipliant par 0,6 le nombre, au 31 octobre 2003, des élèves du conseil :
 - (i) qui sont nés dans des pays visés au paragraphe (2) après le 31 décembre 1982,
 - (ii) qui sont arrivés au Canada pendant la période qui commence le 1^{er} septembre 2001 et qui se termine le 31 août 2002;
- c) la somme obtenue en multipliant par 0,3 le nombre, au 31 octobre 2003, des élèves du conseil :
 - (i) qui sont nés dans des pays visés au paragraphe (2) après le 31 décembre 1982,
 - (ii) qui sont arrivés au Canada pendant la période qui commence le 1^{er} septembre 2000 et qui se termine le 31 août 2001.

(2) Les pays visés pour l'application du paragraphe (1) sont les suivants :

- a) les pays où l'anglais n'est pas la langue première de la majorité de la population;
- b) les pays où la majorité de la population parle un anglais qui est assez différent de l'anglais utilisé comme langue d'enseignement dans les écoles du conseil pour justifier que soit offert un programme d'ESL ou d'ESD aux élèves originaires de ces pays.

Élément enseignement des langues — conseils de langue française

26. L'élément enseignement des langues pour un conseil scolaire de district de langue française pour l'exercice correspond au total des sommes calculées en application des dispositions suivantes :

1. La somme liée aux programmes de français langue première pour le conseil pour l'exercice.
2. La somme liée aux programmes de langue autochtone pour le conseil pour l'exercice.
3. La somme liée aux programmes d'ALF/PDF pour le conseil pour l'exercice.

Somme liée aux programmes de français langue première

27. La somme liée aux programmes de français langue première pour un conseil scolaire de district de langue française pour l'exercice correspond au total des sommes calculées en application des dispositions suivantes :

1. Multiplier par 412 \$ le nombre d'élèves de l'élémentaire du conseil le 31 octobre 2003.
2. Multiplier par 666 \$ l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que ses élèves du secondaire.
3. Multiplier par 11 376 \$ le nombre d'écoles élémentaires qui commencent à relever du conseil en septembre 2003.

Programmes d'ALF/PDF

28. (1) Les règles suivantes s'appliquent pour l'application du présent article :

1. Un conseil coïncide avec un autre conseil si les territoires de compétence des deux conseils sont en totalité ou en partie les mêmes.
2. Le territoire de compétence d'un conseil scolaire de district public de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils scolaires de district publics de langue anglaise coïncidents.
3. Le territoire de compétence d'un conseil scolaire de district séparé de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils catholiques de langue anglaise coïncidents.
4. Si le territoire de compétence d'un conseil scolaire de district séparé de langue française est le même que celui d'un conseil catholique de langue anglaise, la totalité du territoire de compétence du conseil scolaire de district séparé de langue française constitue une seule partie.
5. Le facteur d'assimilation pour une partie d'un conseil scolaire de district public de langue française correspond au facteur précisé au tableau 2 pour le conseil scolaire de district public de langue anglaise dont le territoire de compétence correspond à la partie.
6. Le facteur d'assimilation pour une partie d'un conseil scolaire de district séparé de langue française correspond au facteur précisé au tableau 2 pour le conseil catholique de langue anglaise dont le territoire de compétence correspond à la partie.

(2) La somme liée aux programmes d'ALF/PDF pour un conseil scolaire de district de langue française pour l'exercice est calculée en additionnant les niveaux de financement des programmes d'ALF et de PDF pour le conseil pour l'exercice.

(3) Le niveau de financement des programmes d'ALF pour le conseil pour l'exercice est calculé de la manière suivante :

1. Calculer, à deux décimales près, le nombre de modules scolaires de l'élémentaire aux fins de l'ALF pour chaque partie du conseil.
2. Calculer, à deux décimales près, le nombre de modules scolaires du secondaire aux fins de l'ALF pour chaque partie du conseil.
3. Pour chaque partie du conseil, additionner les nombres de modules scolaires de l'élémentaire et du secondaire aux fins de l'ALF calculés en application des dispositions 1 et 2 pour cette partie du conseil.
4. Multiplier le nombre total de modules scolaires aux fins de l'ALF pour chaque partie du conseil, calculé en application de la disposition 3, par le facteur d'assimilation applicable pour cette partie du conseil.
5. Pour chaque partie du conseil, multiplier par 65 403 \$ le produit obtenu en application de la disposition 4.
6. Additionner les sommes calculées pour chacune des parties du conseil en application de la disposition 5.

(4) Pour l'application des paragraphes (5) et (6), les élèves d'un conseil sont dénombrés en fonction de l'effectif de jour à plein temps ou l'équivalent du conseil au 31 octobre 2003.

(5) Le nombre de modules scolaires de l'élémentaire aux fins de l'ALF pour une partie du conseil est calculé de la manière suivante :

1. Prévoir 0,005 module scolaire de l'élémentaire aux fins de l'ALF pour chaque élève de la première tranche de 200 élèves de l'élémentaire du conseil qui sont inscrits aux écoles situées dans cette partie.
2. Prévoir 0,0025 module scolaire de l'élémentaire aux fins de l'ALF pour chaque élève de la tranche suivante de 1 600 élèves de l'élémentaire du conseil qui sont inscrits aux écoles situées dans cette partie.
3. Prévoir 0,0013 module scolaire de l'élémentaire aux fins de l'ALF pour chacun des autres élèves de l'élémentaire du conseil qui sont inscrits aux écoles situées dans cette partie.
4. Additionner les modules scolaires prévus aux fins de l'ALF pour la partie du conseil en application des dispositions 1, 2 et 3.

(6) Le nombre de modules scolaires du secondaire aux fins de l'ALF pour une partie du conseil est calculé de la manière suivante :

1. Prévoir 0,0025 module scolaire du secondaire aux fins de l'ALF pour chaque élève de la première tranche de 1 200 élèves du secondaire du conseil qui sont inscrits aux écoles situées dans cette partie.
2. Prévoir 0,0013 module scolaire du secondaire aux fins de l'ALF pour chacun des autres élèves du secondaire du conseil qui sont inscrits aux écoles situées dans cette partie.
3. Additionner les modules scolaires prévus aux fins de l'ALF pour la partie du conseil en application des dispositions 1 et 2.

(7) Le niveau de financement des programmes de PDF pour le conseil est calculé en multipliant par 2 834 \$ la somme de ce qui suit :

- a) le nombre, au 31 octobre 2003, des élèves du conseil :
 - (i) qui sont admissibles au financement au titre du PDF en application du paragraphe (8),
 - (ii) qui sont nés après le 31 décembre 1982 dans des pays où le français est la langue normalisée de l'enseignement ou de l'administration publique,
 - (iii) qui sont arrivés au Canada pendant la période qui commence le 1^{er} septembre 2002 et qui se termine le 31 octobre 2003;
- b) la somme obtenue en multipliant par 0,6 le nombre, au 31 octobre 2003, des élèves du conseil :
 - (i) qui sont admissibles au financement au titre du PDF en application du paragraphe (8),
 - (ii) qui sont nés après le 31 décembre 1982 dans des pays où le français est la langue normalisée de l'enseignement ou de l'administration publique,
 - (iii) qui sont arrivés au Canada pendant la période qui commence le 1^{er} septembre 2001 et qui se termine le 31 août 2002;
- c) la somme obtenue en multipliant par 0,3 le nombre, au 31 octobre 2003, des élèves du conseil :
 - (i) qui sont admissibles au financement au titre du PDF en application du paragraphe (8),
 - (ii) qui sont nés après le 31 décembre 1982 dans des pays où le français est la langue normalisée de l'enseignement ou de l'administration publique,
 - (iii) qui sont arrivés au Canada pendant la période qui commence le 1^{er} septembre 2000 et qui se termine le 31 août 2001.

(8) Pour l'application du paragraphe (7), un élève est admissible au financement au titre du PDF s'il est admis à une école du conseil en vertu de l'article 293 de la Loi et que, selon le cas :

- a) il parle un français assez différent du français utilisé comme langue d'enseignement dans les écoles du conseil pour justifier que lui soit offert un programme de PDF;
- b) sa scolarité a été interrompue ou retardée;
- c) il a une faible connaissance de l'anglais ou du français.

Élément petites écoles

29. (1) Les définitions qui suivent s'appliquent au présent article.

«petite école» S'entend d'une petite école élémentaire ou d'une petite école secondaire. («small school»)

«petite école élémentaire» S'entend de ce qui suit :

- a) relativement à un conseil scolaire de district de langue anglaise, une école élémentaire qui compte moins de 20 élèves en moyenne par année d'études et qui est située à au moins huit kilomètres par route des autres écoles élémentaires du conseil;
- b) relativement à un conseil scolaire de district de langue française, une école élémentaire qui compte moins de 20 élèves en moyenne par année d'études et qui est située à au moins huit kilomètres par route des autres écoles élémentaires du conseil situées dans la même partie de son territoire de compétence. («small elementary school»)

«petite école secondaire» S'entend de ce qui suit :

- a) relativement à un conseil scolaire de district de langue anglaise, une école secondaire qui compte moins de 150 élèves en moyenne par année d'études et qui est située à au moins 32 kilomètres par route des autres écoles secondaires du conseil;

- b) relativement à un conseil scolaire de district de langue française, une école secondaire qui compte moins de 150 élèves en moyenne par année d'études et qui est située à au moins 32 kilomètres par route des autres écoles secondaires du conseil situées dans la même partie de son territoire de compétence. («small secondary school»)
- (2) Les règles suivantes s'appliquent pour l'application du présent article :
1. Un conseil coïncide avec un autre conseil si les territoires de compétence des deux conseils sont en totalité ou en partie les mêmes.
 2. Le territoire de compétence d'un conseil scolaire de district public de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils scolaires de district public de langue anglaise coïncidents.
 3. Le territoire de compétence d'un conseil scolaire de district séparé de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils catholiques de langue anglaise coïncidents.
 4. Si le territoire de compétence d'un conseil scolaire de district séparé de langue française est le même que celui d'un conseil catholique de langue anglaise, la totalité du territoire de compétence du conseil scolaire de district séparé de langue française constitue une seule partie.
 5. La maternelle, le jardin d'enfants et les première à huitième années sont des années d'études élémentaires.
 6. Les neuvième à douzième années sont des années d'études secondaires.
 7. Sous réserve de la disposition 9, l'école qui offre un enseignement à une ou à plusieurs années d'études élémentaires est considérée comme une école élémentaire.
 8. Sous réserve de la disposition 9, l'école qui offre un enseignement à une ou à plusieurs années d'études secondaires est considérée comme une école secondaire.
 9. L'école qui offre un enseignement à une ou à plusieurs années d'études élémentaires et à une ou à plusieurs années d'études secondaires est considérée comme deux écoles distinctes, soit une école élémentaire qui offre un enseignement aux années d'études élémentaires pertinentes et une école secondaire qui offre un enseignement aux années d'études secondaires pertinentes.
 10. Pour l'application du présent article, le nombre moyen d'élèves par année d'études d'une école élémentaire est calculé de la manière suivante :
 - i. Calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 2003, en ne comptant que les élèves inscrits à l'école. Pour l'application de la présente disposition, l'élève qui serait un élève d'un conseil en l'absence du paragraphe 2 (5) est réputé un élève du conseil.
 - ii. Calculer le nombre d'années où un enseignement est offert à l'école, la maternelle et le jardin d'enfants représentant chacun 0,5 année d'études.
 - iii. Diviser le nombre calculé en application de la sous-disposition i par le nombre calculé en application de la sous-disposition ii.
 11. Le nombre moyen d'élèves par année d'études d'une école secondaire est calculé de la manière suivante :
 - i. Calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 2003, en ne comptant que les élèves inscrits à l'école. Pour l'application de la présente disposition, l'élève qui serait un élève d'un conseil en l'absence du paragraphe 2 (4) ou (5) est réputé un élève du conseil.
 - ii. Diviser le nombre calculé en application de la sous-disposition i par le nombre d'années d'études offertes dans l'école.
 12. Si deux écoles élémentaires ou plus d'un conseil scolaire de district de langue anglaise sont situées à huit kilomètres au plus les unes des autres par route, que leur nombre moyen global d'élèves par année d'études est inférieur à 20 élèves et qu'une ou plusieurs écoles de ce groupe sont situées à au moins huit kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe :
 - i. le groupe de deux écoles ou plus est réputé une seule petite école pour l'application du présent article,
 - ii. chacune des écoles de ce groupe est réputée ne pas être une petite école pour l'application du présent article.
 13. Si deux écoles élémentaires ou plus d'un conseil scolaire de district de langue française sont situées dans la même partie du territoire de compétence du conseil, qu'elles sont situées à huit kilomètres au plus les unes des autres par route, que leur nombre moyen global d'élèves par année d'études est inférieur à 20 élèves et qu'une ou plusieurs écoles de ce groupe sont situées à au moins huit kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe mais qui sont situées dans la même partie du territoire de compétence du conseil :
 - i. le groupe de deux écoles ou plus est réputé une seule petite école pour l'application du présent article,
 - ii. chacune des écoles de ce groupe est réputée ne pas être une petite école pour l'application du présent article.

14. Le nombre moyen global d'élèves par année d'études d'un groupe de deux écoles élémentaires ou plus est calculé de la manière suivante :
 - i. Calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 2003, en ne comptant que les élèves inscrits aux écoles du groupe. Pour l'application de la présente disposition, l'élève qui serait un élève d'un conseil en l'absence du paragraphe 2 (5) est réputé un élève du conseil.
 - ii. Calculer le nombre d'années d'études auxquelles une ou plusieurs écoles du groupe offrent un enseignement, la maternelle et le jardin d'enfants représentant chacun 0,5 année d'études.
 - iii. Diviser le nombre calculé en application de la sous-disposition i par le nombre calculé en application de la sous-disposition ii.
- (3) L'élément petites écoles pour un conseil scolaire de district pour l'exercice est calculé de la manière suivante :
 1. Pour chaque petite école élémentaire du conseil :
 - i. calculer le facteur de l'effectif de l'école conformément au paragraphe (4),
 - ii. calculer le facteur d'éloignement conformément au paragraphe (5),
 - iii. calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 2003, en ne comptant que les élèves du conseil inscrits à l'école.
 2. Pour chaque petite école élémentaire du conseil, multiplier le facteur de l'effectif de l'école par le facteur d'éloignement. Multiplier le produit par l'effectif calculé pour l'école en application de la sous-disposition 1 iii.
 3. Pour chaque petite école élémentaire du conseil, multiplier le produit obtenu en application de la disposition 2 par 6 458 \$.
 4. Additionner les sommes calculées pour chacune des petites écoles élémentaires du conseil en application de la disposition 3.
 5. Pour chaque petite école secondaire du conseil :
 - i. calculer le facteur de l'effectif de l'école conformément au paragraphe (7),
 - ii. calculer le facteur d'éloignement conformément au paragraphe (8),
 - iii. calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 2003, en ne comptant que les élèves du conseil inscrits à l'école. Pour l'application de la présente sous-disposition, les élèves inscrits à l'école qui seraient des élèves du conseil en l'absence du paragraphe 2 (4) sont réputés des élèves du conseil.
 6. Pour chaque petite école secondaire du conseil, multiplier le facteur de l'effectif de l'école par le facteur d'éloignement. Multiplier le produit par l'effectif calculé pour l'école en application de la sous-disposition 5 iii.
 7. Pour chaque petite école secondaire du conseil, multiplier le produit obtenu en application de la disposition 6 par 9 294 \$.
 8. Additionner les sommes calculées pour chacune des petites écoles secondaires du conseil en application de la disposition 7.
 9. Additionner les totaux obtenus en application des dispositions 4 et 8.
 10. Additionner la somme liée aux directeurs d'école élémentaire calculée en application du paragraphe (9) et la somme calculée en application de la disposition 9.
 11. Additionner la somme liée aux directeurs d'école secondaire calculée en application du paragraphe (11) et la somme calculée en application de la disposition 10.
- (4) Le facteur de l'effectif de l'école pour une petite école élémentaire est calculé de la manière suivante :
 1. Pour une école dont le nombre moyen d'élèves par année d'études est inférieure à deux, le facteur de l'effectif de l'école est de 1.
 2. Pour une école dont le nombre moyen d'élèves par année d'études est d'au moins deux et d'au plus 10, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
 - i. Diviser 10 par le nombre moyen d'élèves par année d'études.
 - ii. Multiplier le résultat obtenu en application de la sous-disposition i par 0,2.
 3. Pour une école dont le nombre moyen d'élèves par année d'études est supérieur à 10 mais inférieur à 20, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
 - i. Soustraire 10 du nombre moyen d'élèves par année d'études.
 - ii. Diviser le résultat obtenu en application de la sous-disposition i par 10.

iii. Soustraire le résultat obtenu en application de la sous-disposition ii de un.

iv. Multiplier le résultat obtenu en application de la sous-disposition iii par 0,2.

(5) Le facteur d'éloignement pour une petite école élémentaire est calculé de la manière suivante :

1. Pour une école d'un conseil scolaire de district de langue anglaise située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil, le facteur d'éloignement est de 1,5.
2. Pour une école d'un conseil scolaire de district de langue anglaise située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil, le facteur d'éloignement est de 1,25.
3. Pour les autres écoles d'un conseil scolaire de district de langue anglaise, le facteur d'éloignement est de 1.
4. Pour une école d'un conseil scolaire de district de langue française située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est de 1,5.
5. Pour une école d'un conseil scolaire de district de langue française située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est de 1,25.
6. Pour les autres écoles d'un conseil scolaire de district de langue française, le facteur d'éloignement est de 1.

(6) Les règles suivantes s'appliquent pour l'application du paragraphe (5) si un groupe de deux écoles ou plus d'un conseil est réputé une seule petite école pour l'application du présent article :

1. Dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue anglaise, si une ou plusieurs des écoles du groupe sont situées à au moins 80 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe, la petite école est réputée située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil.
2. Sauf dans les cas où s'applique la disposition 1, dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue anglaise, si une ou plusieurs des écoles du groupe sont situées à plus de 32 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe, la petite école est réputée située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil.
3. Dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue française, si une ou plusieurs des écoles du groupe sont situées à au moins 80 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe mais qui sont situées dans la même partie du territoire de compétence du conseil, la petite école est réputée située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil.
4. Sauf dans les cas où s'applique la disposition 3, dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue française, si une ou plusieurs des écoles du groupe sont situées à plus de 32 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe mais qui sont situées dans la même partie du territoire de compétence du conseil, la petite école est réputée située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil.

(7) Le facteur de l'effectif de l'école pour une petite école secondaire est calculé de la manière suivante :

1. Pour une école dont le nombre moyen d'élèves par année d'études est inférieur à 25, le facteur de l'effectif de l'école est de 0,45.
2. Pour une école dont le nombre moyen d'élèves par année d'études est d'au moins 25 et d'au plus 75, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
 - i. Diviser 75 par le nombre moyen d'élèves par année d'études.
 - ii. Multiplier le résultat obtenu en application de la sous-disposition i par 0,15.
3. Pour une école dont le nombre moyen d'élèves par année d'études est supérieur à 75 mais inférieur à 150, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
 - i. Soustraire 75 du nombre moyen d'élèves par année d'études.
 - ii. Diviser le résultat obtenu en application de la sous-disposition i par 75.
 - iii. Soustraire le résultat obtenu en application de la sous-disposition ii de un.
 - iv. Multiplier le résultat obtenu en application de la sous-disposition iii par 0,15.

(8) Le facteur d'éloignement pour une petite école secondaire est calculé de la manière suivante :

1. Pour une école d'un conseil scolaire de district de langue anglaise dont le nombre moyen d'élèves par année d'études est inférieur à 25 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil, le facteur d'éloignement est de 2.

2. Pour une école d'un conseil scolaire de district de langue anglaise dont le nombre moyen d'élèves par année d'études est d'au moins 25 mais inférieur à 150 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil, le facteur d'éloignement est calculé de la manière suivante :
 - i. Ajouter 25 au nombre moyen d'élèves par année d'études.
 - ii. Diviser 50 par la somme obtenue en application de la sous-disposition i.
 - iii. Ajouter un au résultat obtenu en application de la sous-disposition ii.
 3. Pour les autres petites écoles secondaires d'un conseil scolaire de district de langue anglaise, le facteur d'éloignement est de 1.
 4. Pour une école d'un conseil scolaire de district de langue française dont le nombre moyen d'élèves par année d'études est inférieur à 25 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est de 2.
 5. Pour une école d'un conseil scolaire de district de langue française dont le nombre moyen d'élèves par année d'études est d'au moins 25 mais inférieur à 150 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est calculé de la manière suivante :
 - i. Ajouter 25 au nombre moyen d'élèves par année d'études.
 - ii. Diviser 50 par la somme obtenue en application de la sous-disposition i.
 - iii. Ajouter un au résultat obtenu en application de la sous-disposition ii.
 6. Pour les autres petites écoles secondaires d'un conseil scolaire de district de langue française, le facteur d'éloignement est de 1.
- (9) La somme liée aux directeurs d'école élémentaire est calculée de la manière suivante :
1. Prendre l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
 2. Multiplier le nombre obtenu en application de la disposition 1 par 259 \$.
 3. Diviser le produit obtenu en application de la disposition 2 par celui obtenu en multipliant 84 125 \$ par 1,12.
 4. Diviser le quotient obtenu en application de la disposition 3 par le nombre d'écoles élémentaires du conseil.
 5. Si le résultat obtenu en application de la disposition 4 est égal ou supérieur à 0,69, la somme liée aux directeurs d'école élémentaire est nulle.
 6. Si le résultat obtenu en application de la disposition 4 est inférieur à 0,69, la somme liée aux directeurs d'école élémentaire est calculée de la manière suivante :
 - i. Soustraire le résultat obtenu en application de la disposition 4 de 0,69.
 - ii. Multiplier le nombre obtenu en application de la sous-disposition i par le produit de 84 125 \$ et de 1,12.
 - iii. Multiplier le produit obtenu en application de la sous-disposition ii par le nombre d'écoles élémentaires du conseil.
- (10) Pour l'application du paragraphe (9), une école est une école élémentaire si elle remplit les conditions suivantes :
- a) le conseil l'a identifiée comme telle conformément à la publication de janvier 1998 du ministère intitulée «Guide de collecte des données pour le système d'inventaire des installations scolaires»;
 - b) des élèves étaient inscrits à des programmes scolaires de jour à l'école pendant l'année scolaire 2003-2004.
- (11) La somme liée aux directeurs d'école secondaire est calculée de la manière suivante :
1. Prendre l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.
 2. Multiplier le nombre obtenu en application de la disposition 1 par 113 \$.
 3. Diviser le produit obtenu en application de la disposition 2 par celui obtenu en multipliant 91 745 \$ par 1,12.
 4. Diviser le quotient obtenu en application de la disposition 3 par le nombre d'écoles secondaires du conseil.
 5. Si le résultat obtenu en application de la disposition 4 est égal ou supérieur à 0,4, la somme liée aux directeurs d'école secondaire est nulle.
 6. Si le résultat obtenu en application de la disposition 4 est inférieur à 0,4, la somme liée aux directeurs d'école secondaire est calculée de la manière suivante :
 - i. Soustraire le résultat obtenu en application de la disposition 4 de 0,4.
 - ii. Multiplier le nombre obtenu en application de la sous-disposition i par le produit de 91 475 \$ et de 1,12.

- iii. Multiplier le produit obtenu en application de la sous-disposition ii par le nombre d'écoles secondaires du conseil.

(12) Pour l'application du paragraphe (11), une école est une école secondaire si elle remplit les conditions suivantes :

- a) le conseil l'a identifiée comme telle conformément à la publication de janvier 1998 du ministère intitulée «Guide de collecte des données pour le système d'inventaire des installations scolaires»;
- b) des élèves étaient inscrits à des programmes scolaires de jour à l'école pendant l'année scolaire 2003-2004.

Élément conseils ruraux et éloignés

30. (1) L'élément conseils ruraux et éloignés pour un conseil scolaire de district pour l'exercice est calculé en additionnant la somme accordée aux petits conseils pour le conseil, la somme liée à la distance pour le conseil et la somme liée à la dispersion de la population scolaire pour le conseil.

(2) La somme accordée aux petits conseils pour le conseil est la somme éventuelle, calculée en application de celles des dispositions suivantes qui s'applique au conseil :

1. Si l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 est inférieur à 4 000 :
 - i. multiplier l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 par 0,0164 \$,
 - ii. soustraire le produit obtenu en application de la sous-disposition i de 301,50 \$,
 - iii. multiplier le résultat obtenu en application de la sous-disposition ii par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.
2. Si l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 est d'au moins 4 000, mais de moins de 8 000 :
 - i. soustraire 4 000 de l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004,
 - ii. multiplier le résultat obtenu en application de la sous-disposition i par 0,0188 \$,
 - iii. soustraire le produit obtenu en application de la sous-disposition ii de 236 \$,
 - iv. multiplier le résultat obtenu en application de la sous-disposition iii par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.
3. Si l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 est de 8 000 ou plus :
 - i. soustraire 8 000 de l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004,
 - ii. multiplier le résultat obtenu en application de la sous-disposition i par 0,0201 \$,
 - iii. soustraire le produit obtenu en application de la sous-disposition ii de 160,80 \$,
 - iv. si la somme calculée en application de la sous-disposition iii est supérieure à zéro, la multiplier par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004,
 - v. si la somme calculée en application de la sous-disposition iii n'est pas supérieure à zéro, la somme accordée aux petits conseils pour le conseil est nulle.

(3) La somme liée à la distance pour le conseil correspond à ce qui suit :

- a) le produit de l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 et du facteur de distance par élève précisé pour le conseil, dans le cas d'un conseil scolaire de district de langue anglaise;
- b) le produit de l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 et du facteur de distance par élève précisé pour le conseil ou de 168 \$, si ce montant est supérieur, dans le cas d'un conseil scolaire de district de langue française.

(4) Le facteur de distance par élève précisé pour le conseil correspond à la somme calculée en multipliant le facteur urbain précisé pour le conseil à la colonne 3 du tableau 3 par la somme calculée en application de celle des dispositions suivantes qui s'applique au conseil :

1. Si la distance précisée pour le conseil à la colonne 2 du tableau 3 est inférieure à 151 kilomètres, la somme est nulle.
2. Si la distance précisée pour le conseil à la colonne 2 du tableau 3 est égale ou supérieure à 151 kilomètres mais inférieure à 650 kilomètres, la somme est calculée selon la formule suivante :

$$(A - 150) \times 1,030 \$$$

où «A» représente la distance précisée pour le conseil à la colonne 2 du tableau 3,

3. Si la distance précisée pour le conseil à la colonne 2 du tableau 3 est égale ou supérieure à 650 kilomètres mais inférieure à 1 150 kilomètres, la somme est calculée selon la formule suivante :

$$[(A - 650) \times 0,136 \$] + 515 \$$$

où «A» représente la distance précisée pour le conseil à la colonne 2 du tableau 3.

4. Si la distance précisée pour le conseil à la colonne 2 du tableau 3 est égale ou supérieure à 1 150 kilomètres, la somme est de 583 \$.

(5) La somme liée à la dispersion de la population scolaire pour le conseil est calculée selon la formule suivante :

$$(DD - F) \times ADE \times 5,41 \$$$

où

«DD» représente la distance, en kilomètres, liée à la dispersion qui est indiquée dans la colonne 4 du tableau 3 en regard du nom du conseil dans la colonne 1 de ce tableau,

«F» représente le moindre de l'élément «DD» et de 14 kilomètres,

«ADE» représente l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.

Éléments programmes d'aide à l'apprentissage

31. (1) L'élément programmes d'aide à l'apprentissage pour un conseil scolaire de district pour l'exercice correspond au total des sommes indiquées ou calculées en application des dispositions suivantes :

1. La somme indiquée à la colonne 2 du tableau 4 en regard du nom du conseil.
2. L'aide à l'apprentissage durant les premières années d'études du conseil pour l'exercice, calculée en multipliant par 122 \$ l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004, en ne comptant que les élèves inscrits à la maternelle, au jardin d'enfants et aux première, deuxième et troisième années.
3. L'aide aux programmes destinés à accroître l'aptitude à lire, à écrire et à compter du conseil pour l'exercice.
4. La somme liée aux élèves à risque du conseil pour l'exercice.

(2) L'aide aux programmes destinés à accroître l'aptitude à lire, à écrire et à compter du conseil pour l'exercice est calculée de la manière suivante :

1. Calculer l'effectif quotidien moyen des cours d'été du conseil pour l'exercice conformément à l'article 4 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à des classes ou à des cours visés aux sous-alinéas c) (iii) et (iv) de la définition de «classe ou cours d'été» au paragraphe 4 (1) de ce règlement.
2. Calculer l'effectif quotidien moyen des programmes d'éducation permanente du conseil pour l'exercice conformément à l'article 3 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à des classes ou à des cours visés aux dispositions 5, 6 et 7 du paragraphe 3 (2) de ce règlement.
3. Additionner les nombres obtenus en application des dispositions 1 et 2.
4. Multiplier le résultat obtenu en application de la disposition 3 par 5 275 \$.
5. Ajouter les frais de transport liés aux programmes destinés à accroître l'aptitude à lire, à écrire et à compter du conseil pour l'exercice.

(3) Les frais de transport liés aux programmes destinés à accroître l'aptitude à lire, à écrire et à compter du conseil pour l'exercice sont calculés de la manière suivante :

1. Prendre l'élément transport des élèves du conseil pour l'exercice.
 2. Déduire la somme approuvée pour le conseil en application de la disposition 6 de l'article 35.
 3. Diviser le résultat obtenu en application de la disposition 2 par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.
 4. Multiplier le résultat obtenu en application de la disposition 3 par l'effectif calculé en application de la disposition 1 du paragraphe (2).
 5. Multiplier le résultat obtenu en application de la disposition 4 par 3.
- (4) La somme liée aux élèves à risque du conseil pour l'exercice correspond à la somme calculée de la manière suivante :
1. Multiplier par 24,90 \$ l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits en neuvième, dixième, onzième et douzième année.
 2. Multiplier par 9,95 \$ l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits en quatrième, cinquième, sixième, septième et huitième année.
 3. Multiplier par 0,0023 la somme calculée en application de la disposition 5 de l'article 35.

4. Multiplier par 10 000 000 \$ le facteur démographique lié aux élèves à risque indiqué dans la colonne 3 du tableau 4 en regard du nom du conseil dans la colonne 1 de ce tableau.
5. Multiplier l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits en neuvième, dixième, onzième et douzième année, par la distance, en kilomètres, liée à la dispersion qui est indiquée dans la colonne 4 du tableau 3 en regard du nom du conseil dans la colonne 1 de ce tableau.
6. Multiplier par 0,50 \$ la somme calculée en application de la disposition 5.
7. Multiplier l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits en quatrième, cinquième, sixième, septième et huitième année, par la distance, en kilomètres, liée à la dispersion qui est indiquée dans la colonne 4 du tableau 3 en regard du nom du conseil dans la colonne 1 de ce tableau.
8. Multiplier par 0,20 \$ la somme calculée en application de la disposition 7.
9. Additionner les sommes calculées en application des dispositions 1, 2, 3, 4, 6 et 8.
10. Ajouter 138 900 \$ au total obtenu en application de la disposition 9.

Élément éducation permanente et autres programmes

32. (1) L'élément éducation permanente et autres programmes pour un conseil scolaire de district pour l'exercice est calculé de la manière suivante :

1. Calculer l'effectif quotidien moyen de jour du conseil pour 2003-2004, pour l'exercice, conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du conseil qui sont âgés d'au moins 21 ans le 31 décembre 2003.
2. Calculer l'effectif quotidien moyen de l'éducation permanente du conseil pour l'exercice conformément à l'article 3 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves inscrits à des classes ou à des cours visés aux dispositions 1, 2, 3, 4, 8 et 9 du paragraphe 3 (2) de ce règlement et en excluant :
 - i. d'une part, les élèves auxquels s'applique le paragraphe 49 (6) de la Loi,
 - ii. d'autre part, les élèves à l'égard desquels le conseil impose des droits en application du paragraphe 8 (4) du règlement sur les droits de 2003-2004.
3. Calculer l'effectif quotidien moyen des cours d'été du conseil pour l'exercice conformément à l'article 4 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves inscrits à des classes ou à des cours visés au sous-alinéa c) (i), (ii), (v) ou (vi) de la définition de «classe ou cours d'été» au paragraphe 4 (1) de ce règlement et en excluant les élèves auxquels s'applique le paragraphe 49 (6) de la Loi et ceux à l'égard desquels le conseil impose des droits en application du paragraphe 8 (5) du règlement sur les droits de 2003-2004.
4. Additionner les nombres calculés en application des dispositions 1, 2 et 3.
5. Multiplier le total obtenu en application de la disposition 4 par 2 429 \$.
6. Calculer la somme liée aux programmes de langues internationales pour le conseil.
7. Calculer pour le conseil la somme liée à la reconnaissance des acquis qui n'est pas fournie dans le cadre d'un programme scolaire de jour.
8. Additionner les sommes calculées en application des dispositions 5, 6 et 7.

(2) Les paragraphes (3) et (4) s'appliquent si un conseil crée des classes pour dispenser un enseignement dans une langue autre que l'anglais ou le français et que le ministre approuve les classes en tant que partie d'un programme scolaire élémentaire de langues d'origine.

(3) Sous réserve du paragraphe (4), la somme liée aux programmes de langues d'origine pour le conseil correspond au produit de 41 \$ et du nombre d'heures d'enseignement que le conseil dispense dans les classes visées au paragraphe (2).

(4) Si le quotient obtenu en divisant le nombre d'élèves de l'élémentaire inscrits aux classes visées au paragraphe (2) que le conseil a créées par le nombre de ces classes est inférieur à 25, le taux horaire de 41 \$ précisé au paragraphe (3) est réduit du produit de 1 \$ et de la différence du quotient et de 25.

(5) La somme liée à la reconnaissance des acquis pour le conseil pour l'exercice qui n'est pas fournie dans le cadre d'un programme scolaire de jour correspond au total des sommes calculées en application des dispositions suivantes :

1. Multiplier par 100 \$ le total de ce qui suit :
 - i. le nombre d'évaluations individualisées pour l'obtention de crédits de neuvième et de dixième année, conformément à la section 6.6 de la publication du ministère intitulée «Les écoles secondaires de l'Ontario de la 9^e à la 12^e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999», que subissent des élèves expérimentés du conseil pendant l'exercice,

- ii. le nombre d'évaluations individualisées pour l'obtention d'équivalences de crédits de onzième et de douzième année, conformément à la section 6.6 de la publication du ministère intitulée «Les écoles secondaires de l'Ontario de la 9^e à la 12^e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999», que subissent des élèves expérimentés du conseil pendant l'exercice.
- 2. Multiplier par 300 \$ le nombre de revendications réglées de crédits de onzième et de douzième année présentées par des élèves expérimentés du conseil conformément à la section 6.6 de la publication du ministère intitulée «Les écoles secondaires de l'Ontario de la 9^e à la 12^e année — Préparation au diplôme d'études secondaires de l'Ontario, 1999».
- (6) Les règles suivantes s'appliquent dans le cadre du paragraphe (5) :
 - 1. Un élève du conseil est un élève expérimenté pour l'exercice s'il est âgé d'au moins 18 ans le 31 décembre 2003 et qu'il n'était pas inscrit à un programme scolaire de jour pendant une ou plusieurs années scolaires antérieures.
 - 2. Pour déterminer le nombre de revendications réglées de crédits de onzième et de douzième année présentées par des élèves expérimentés du conseil, un cours qui donne droit à un crédit complet est compté pour un crédit et un cours qui donne droit à un demi-crédit est compté pour 0,5 crédit.

Élément compétence et expérience des enseignants

33. (1) Les définitions qui suivent s'appliquent au présent article.

«AEFO» L'Association des enseignantes et des enseignants franco-ontariens. («AEFO»)

«catégorie de qualifications» S'entend de la certification de l'AEFO ou de la FEESO ou d'une catégorie du COEQ. («qualification category»)

«catégorie du COEQ» S'entend de la catégorie D, C, B, A1, A2, A3 ou A4 du COEQ. («QECO category»)

«certification de l'AEFO» S'entend de la certification de groupe 1, de groupe 2, de groupe 3 ou de groupe 4 octroyée par l'AEFO. («AEFO certification»)

«certification de la FEESO» S'entend de la certification de groupe 1, de groupe 2, de groupe 3 ou de groupe 4 octroyée par la FEESO. («OSSTF certification»)

«COEQ» Le Conseil ontarien d'évaluation des qualifications. («QECO»)

«enseignant» S'entend en outre des enseignants temporaires, mais non des enseignants suppléants. («teacher»)

«FEESO» La Fédération des enseignantes-enseignants des écoles secondaires de l'Ontario. («OSSTF»)

(2) Au présent article, les cases du tableau 5 sont désignées par leur abscisse (la catégorie de qualifications), suivie de leur ordonnée (le nombre qui représente les années complètes d'expérience en enseignement).

(3) Par exemple, la case C-1 du tableau 5 contient le nombre 0,6127 et la case A1/Groupe 1-3, le nombre 0,7416.

(4) Pour l'application du présent article, le nombre d'enseignants employés par un conseil correspond au nombre de personnes à temps plein ou l'équivalent que le conseil emploie au 31 octobre 2003 pour enseigner.

(5) Pour l'application du paragraphe (4), le dénombrement se fait selon les méthodes que le conseil utilise habituellement aux fins de la dotation en personnel, sous réserve des règles suivantes :

- 1. L'enseignant qui n'est pas affecté à l'enseignement aux élèves du conseil dans le cadre d'un emploi du temps régulier qui est en vigueur au 31 octobre 2003 ne doit pas être dénombré pour l'application du présent article, à moins qu'il ne satisfasse aux conditions visées au paragraphe (6).
- 2. La prestation de l'enseignement en bibliothèque ou de l'orientation aux élèves est considérée comme la prestation d'un enseignement aux élèves pour l'application des dispositions 1, 3 et 4.
- 3. L'équivalence à temps plein de l'enseignant qui, dans le cadre d'un emploi du temps régulier qui est en vigueur au 31 octobre 2003, est affecté, une partie du temps, à l'enseignement aux élèves du conseil et qui, à cette date, est également affecté, une autre partie du temps, en application de l'article 17 du Règlement 298 des Règlements refondus de l'Ontario de 1990, à un poste de conseiller, de coordonnateur ou de superviseur, est calculée de la manière suivante :
 - i. Calculer le nombre moyen d'heures par jour de l'horaire qui inclut le 31 octobre 2003 auxquelles l'enseignant est affecté régulièrement, conformément à son emploi du temps, pour dispenser l'enseignement aux élèves du conseil ou pour préparer cet enseignement. Pour l'application de la présente sous-disposition, le dénombrement des heures se fait à une décimale près.
 - ii. Diviser le total calculé en application de la sous-disposition i par cinq.
- 4. Le directeur d'école ou le directeur adjoint qui, dans le cadre d'un emploi du temps régulier qui est en vigueur au 31 octobre 2003, est affecté, une partie du temps, à l'enseignement aux élèves du conseil est dénombré comme enseignant pour l'application du présent article et son équivalence à temps plein à titre d'enseignant est calculée de la manière suivante :

d'école ou le directeur adjoint est affecté régulièrement, conformément à son emploi du temps, pour dispenser l'enseignement aux élèves du conseil. Pour l'application du présent paragraphe, le dénombrement des heures se fait à une décimale près.

ii. Diviser le nombre calculé en application de la sous-disposition i par cinq.

5. L'enseignant suppléant qui est affecté à l'enseignement aux élèves du conseil dans le cadre d'un emploi du temps régulier qui est en vigueur le 31 octobre 2003 n'est pas dénombré si l'enseignant qu'il remplace est compris dans le calcul du nombre d'enseignants qu'emploie le conseil fait en application du paragraphe (4) et que ce dernier peut raisonnablement s'attendre à ce qu'il reprenne ses fonctions auprès de lui durant l'exercice.

(6) Pour l'application de la disposition 1 du paragraphe (5), un enseignant est dénombré pour l'application du présent article s'il est en congé payé le 31 octobre 2003 et que sa rémunération pendant le congé n'est pas remboursée au conseil.

(7) Le nombre d'années complètes d'expérience en enseignement d'un enseignant est réputé son nombre d'années d'expérience en enseignement avant le premier jour de l'année scolaire 2003-2004, arrondi au nombre entier le plus près s'il comprend une fraction. À cette fin, un nombre se terminant par ,5 est considéré comme étant le plus près du nombre entier suivant.

(8) Le nombre d'années complètes d'expérience en enseignement d'un enseignant est réputé être de 10 s'il est supérieur à ce chiffre.

(9) Le nombre d'années complètes d'expérience en enseignement d'un directeur d'école ou d'un directeur adjoint est réputé être de 10.

(10) Les règles suivantes s'appliquent, à compter du 31 octobre 2003, en vue d'établir la catégorie de qualifications d'un enseignant :

1. Si un conseil utilise le système de certification de l'AEFO aux fins de l'établissement du salaire d'un enseignant qu'il emploie, ce système est utilisé à l'égard de cet enseignant pour l'application du présent article.
2. Si un conseil utilise le système de catégories du COEQ aux fins de l'établissement du salaire d'un enseignant qu'il emploie, ce système est utilisé à l'égard de cet enseignant pour l'application du présent article.
3. Si un conseil utilise le système de certification de la FEESO aux fins de l'établissement du salaire d'un enseignant qu'il emploie, ce système est utilisé à l'égard de cet enseignant pour l'application du présent article.
4. Sous réserve de la disposition 6, si un conseil n'utilise pas le système de catégories du COEQ aux fins de l'établissement du salaire d'un enseignant de l'élémentaire qu'il emploie, le système de classification qu'il utilise dans le cas des enseignants de l'élémentaire pour remplir le Formulaire de données A 2003 qui est remis au Bureau d'information sur les négociations collectives du ministère du Travail est utilisé à l'égard de cet enseignant pour l'application du présent article.
5. Sous réserve de la disposition 6, si un conseil n'utilise ni le système de catégories du COEQ, ni le système de certification de l'AEFO ou de la FEESO aux fins de l'établissement du salaire d'un enseignant du secondaire qu'il emploie, le système de classification qu'il utilise dans le cas des enseignants du secondaire pour remplir le Formulaire de données A 2003 qui est remis au Bureau d'information sur les négociations collectives du ministère du Travail est utilisé à l'égard de cet enseignant pour l'application du présent article.
6. Dans les circonstances visées à la disposition 4 ou 5, le conseil peut choisir, par avis écrit envoyé au ministre, d'utiliser le système de certification de l'AEFO, le système de catégories du COEQ désigné plan 4 par le COEQ ou le système de certification de 1992 de la FEESO, au lieu du système de classification exigé en application de la disposition 4 ou 5.
7. La catégorie de qualifications d'un directeur d'école ou d'un directeur adjoint est réputée correspondre à A4/Groupe 4.
8. Si la catégorie de qualifications à laquelle appartient une personne est changée après le 31 octobre 2003 et que le changement, aux fins de l'établissement de son salaire, est rétroactif à un jour de la période allant du premier jour de l'année scolaire 2003-2004 au 31 octobre 2003, la nouvelle catégorie de qualifications est utilisée pour l'application du présent article.

(11) L'élément compétence et expérience des enseignants pour un conseil scolaire de district est calculé en additionnant l'élément compétence et expérience des enseignants de l'élémentaire et l'élément compétence et expérience des enseignants du secondaire.

(12) L'élément compétence et expérience des enseignants de l'élémentaire pour un conseil scolaire de district est calculé de la manière suivante :

1. Pour chaque case du tableau 5, calculer le nombre des enseignants qui sont employés par le conseil pour dispenser l'enseignement aux élèves de l'élémentaire et qui, à la fois, appartiennent à la catégorie de qualifications et ont le nombre d'années complètes d'expérience en enseignement correspondant à ses coordonnées de la case. Par exemple, l'enseignant qui appartient à la catégorie de qualifications D et qui a 0,7 an d'expérience en enseignement est affecté à

la case D-1 et celui qui appartient à la catégorie de qualifications A2 ou Groupe 2 et qui a 3,2 ans d'expérience en enseignement est affecté à la case A2/Groupe 2-3.

2. Pour chaque case du tableau 5, multiplier le nombre des enseignants qui sont employés par le conseil pour dispenser l'enseignement aux élèves de l'élémentaire et qui y sont affectés par le nombre qui y figure.
3. Additionner tous les produits obtenus en application de la disposition 2 pour le conseil.
4. Diviser le total calculé en application de la disposition 3 par le nombre total d'enseignants qui sont employés par le conseil pour dispenser l'enseignement aux élèves de l'élémentaire.
5. Soustraire un du nombre obtenu en application de la disposition 4.
6. Multiplier le résultat obtenu en application de la disposition 5 par 2 810 \$.
7. Multiplier la somme obtenue en application de la disposition 6 par l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.

(13) L'élément compétence et expérience des enseignants du secondaire pour un conseil scolaire de district est calculé de la manière suivante :

1. Pour chaque case du tableau 5, calculer le nombre des enseignants qui sont employés par le conseil pour dispenser l'enseignement aux élèves du secondaire et qui, à la fois, appartiennent à la catégorie de qualifications et ont le nombre d'années complètes d'expérience en enseignement correspondant à ses coordonnées de la case. Par exemple, l'enseignant qui appartient à la catégorie de qualifications D et qui a 0,7 an d'expérience en enseignement est affecté à la case D-1 et celui qui appartient à la catégorie de qualifications A2 ou Groupe 2 et qui a 3,2 ans d'expérience en enseignement est affecté à la case A2/Groupe 2-3.
2. Pour chaque case du tableau 5, multiplier le nombre des enseignants qui sont employés par le conseil pour dispenser l'enseignement aux élèves du secondaire et qui y sont affectés par le nombre qui y figure.
3. Additionner tous les produits obtenus en application de la disposition 2 pour le conseil.
4. Diviser le total calculé en application de la disposition 3 par le nombre total d'enseignants qui sont employés par le conseil pour dispenser l'enseignement aux élèves du secondaire.
5. Soustraire un du nombre obtenu en application de la disposition 4.
6. Multiplier le résultat obtenu en application de la disposition 5 par 3 418 \$.
7. Multiplier la somme obtenue en application de la disposition 6 par l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.
8. Calculer la somme éventuelle liée à l'aide spéciale visant une moyenne élevée de crédits par élève, conformément au paragraphe (14).
9. Additionner les sommes calculées en application des dispositions 7 et 8.

(14) La somme liée à l'aide spéciale visant une moyenne élevée de crédits par élève est calculée de la manière suivante :

1. Calculer le nombre moyen de crédits par élève du secondaire du conseil pour l'année scolaire 2002-2003.
2. Déduire 7,2 du nombre calculé en application de la disposition 1 si celui-ci est égal ou inférieur à 7,5 mais supérieur à 7,2.
3. Déduire 7,2 de 7,5 si le nombre calculé en application de la disposition 1 est supérieur à 7,5.
4. Diviser le nombre obtenu en application de la disposition 2 ou 3, selon le cas, par 7,2.
5. Multiplier le nombre obtenu en application de la disposition 4 par 3 194 \$.
6. Multiplier le nombre obtenu en application de la disposition 5 par l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.

Élément apprentissage durant les premières années d'études

34. (1) L'élément apprentissage durant les premières années d'études pour un conseil scolaire de district pour l'exercice est calculé conformément au présent article.

(2) Si un conseil ne dispense un enseignement à la maternelle dans aucune de ses écoles en septembre 2003, l'élément apprentissage durant les premières années d'études pour le conseil est calculé de la manière suivante :

1. Calculer l'effectif quotidien moyen de jour du conseil conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du conseil inscrits au jardin d'enfants et aux trois premières années d'études.
2. Multiplier le nombre calculé en application de la disposition 1 par 726 \$.

(3) Si un conseil dispense un enseignement à la maternelle dans une ou plusieurs de ses écoles en septembre 2003, l'élément apprentissage durant les premières années d'études pour le conseil est calculé de la manière suivante :

1. Calculer l'effectif quotidien moyen de jour du conseil conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du conseil inscrits au jardin d'enfants et aux trois premières années d'études. Aux fins du calcul de l'effectif quotidien moyen de jour du conseil en application de la présente disposition, l'élève qui est inscrit à un programme combiné de maternelle et de jardin d'enfants est réputé un élève à mi-temps.
 2. Multiplier le nombre calculé en application de la disposition 1 par 726 \$.
 3. Calculer la somme allouée par élève de l'élémentaire du conseil pour 2003-2004, conformément au paragraphe (4).
 4. Multiplier la somme calculée en application de la disposition 3 par l'effectif quotidien moyen de jour du conseil, calculé en application de l'article 2 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves du conseil inscrits à la maternelle. Aux fins du calcul de l'effectif quotidien moyen de jour du conseil en application de la présente disposition, l'élève qui est inscrit à un programme combiné de maternelle et de jardin d'enfants est réputé un élève à mi-temps.
 5. Ajouter la somme liée aux demandes d'AAS de niveau 2 et de niveau 3 qui visent des élèves du conseil qui sont inscrits à une classe de maternelle au produit obtenu en application de la disposition 4.
 6. Déduire la somme obtenue en application de la disposition 5 de la somme obtenue en application de la disposition 2.
- (4) La somme allouée par élève de l'élémentaire du conseil pour 2003-2004 est calculée de la manière suivante :
1. Additionner les sommes suivantes :
 - i. L'élément conseils ruraux et éloignés du conseil pour l'exercice.
 - ii. La somme indiquée à la colonne 2 du tableau 4 en regard du nom du conseil.
 - iii. L'élément transport des élèves du conseil pour l'exercice.
 - iv. L'élément administration et gestion du conseil pour l'exercice.
 2. Diviser le total obtenu en application de la disposition 1 par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.
 3. Calculer le total des demandes d'AAS de niveau 1 approuvées à l'égard des élèves de l'élémentaire du conseil pour l'exercice.
 4. Additionner la somme calculée en application de la disposition 4 du paragraphe 29 (3) pour le conseil pour l'exercice et la somme liée aux directeurs d'école élémentaire du conseil calculée en application de l'article 29.
 5. Dans le cas d'un conseil scolaire de district de langue anglaise, calculer l'élément enseignement des langues pour les élèves de l'élémentaire en additionnant les sommes calculées en application des dispositions 3 et 4 du paragraphe 23 (2) et la part de la somme liée aux programmes d'ESL/ESD pour le conseil pour l'exercice qui vise ces mêmes élèves.
 6. Dans le cas d'un conseil scolaire de district de langue française, calculer l'élément enseignement des langues pour les élèves de l'élémentaire, de la manière suivante :
 - i. Additionner les sommes calculées pour le conseil en application des dispositions 1 et 3 de l'article 27.
 - ii. Diviser le niveau de financement des programmes d'ALF pour le conseil pour l'exercice, calculé en application de l'article 28, par le nombre total de modules scolaires de l'élémentaire et du secondaire aux fins de l'ALF pour le conseil pour l'exercice. Multiplier le résultat par le nombre total de modules scolaires de l'élémentaire aux fins de l'ALF pour le conseil pour l'exercice.
 - iii. Calculer la part du niveau de financement des programmes de PDF pour le conseil pour l'exercice qui vise ses élèves de l'élémentaire.
 - iv. Additionner la somme prise en application de la sous-disposition i, le produit obtenu en application de la sous-disposition ii et la somme calculée en application de la sous-disposition iii.
 7. Prendre la somme liée à l'élément compétence et expérience des enseignants de l'élémentaire pour le conseil pour l'exercice.
 8. Calculer une somme relativement au fonctionnement des écoles élémentaires, de la manière suivante :
 - i. Multiplier par 58,56 \$ la superficie en mètres carrés redressée des écoles élémentaires requise pour le conseil calculée en application de l'article 37.
 - ii. Ajouter le total calculé en application de la disposition 16 du paragraphe 37 (3).
 9. Additionner les sommes prises ou calculées pour le conseil en application des dispositions 3 à 8.

10. Diviser le total obtenu en application de la disposition 9 par l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
11. Additionner ce qui suit :
 - i. La somme de 3 885 \$, au titre de l'élément éducation de base.
 - ii. La somme de 122 \$, au titre de l'aide à l'apprentissage durant les premières années d'études.
 - iii. La somme de 562 \$, au titre de la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour les élèves de la maternelle à la troisième année.
 - iv. La somme obtenue en application de la disposition 2.
 - v. La somme obtenue en application de la disposition 10.

(5) La somme liée aux demandes d'AAS de niveau 2 et de niveau 3 qui visent des élèves du conseil qui sont inscrits à une classe de maternelle est calculée de la manière suivante :

1. Calculer la somme de la part de la demande d'AAS de niveau 2 du conseil pour l'exercice qui vise ses élèves de l'élémentaire et de la part de la demande d'AAS de niveau 3 du conseil pour l'exercice qui vise ses élèves de l'élémentaire.
2. Diviser la somme calculée en application de la disposition 1 par l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
3. Multiplier la somme calculée en application de la disposition 2 par l'effectif quotidien moyen de jour du conseil, calculé en application de l'article 2 du Règlement de l'Ontario 157/02, en ne comptant que les élèves du conseil inscrits à la maternelle et, dans la mesure où certains de ces élèves y sont inscrits dans le cadre d'un programme combiné de maternelle et de jardin d'enfants, en comptant chacun d'eux comme élève à mi-temps.

Élément transport des élèves

35. L'élément transport des élèves pour un conseil scolaire de district pour l'exercice est calculé de la manière suivante :

1. Multiplier par 1,0332 le total des sommes suivantes :
 - i. La somme calculée pour le conseil en application de la disposition 5 de l'article 34 du Règlement de l'Ontario 156/02.
 - ii. La somme indiquée dans la colonne 2 du tableau 6.1 du Règlement de l'Ontario 156/02 qui figure en regard du nom du conseil dans la colonne 1 de ce tableau.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil scolaire de district pour 2003-2004.
3. Prendre l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003, au sens du Règlement de l'Ontario 156/02.
4. Diviser le nombre obtenu en application de la disposition 2 par le nombre obtenu en application de la disposition 3. Si le quotient obtenu est inférieur à 1,0, il est réputé être 1,0.
5. Multiplier le produit calculé pour le conseil en application de la disposition 1 par le nombre calculé en application de la disposition 4.
6. Ajouter la somme calculée en application de la disposition 5 au montant des dépenses engagées par le conseil au cours de l'exercice que le ministre a approuvé à l'égard du transport des élèves à destination et en provenance de l'École provinciale pour aveugles, d'une école provinciale pour sourds ou d'une école d'application ouverte ou dirigée, en vertu d'une entente conclue avec le ministre, au profit d'élèves qui ont de graves anomalies de communication.

Élément administration et gestion

36. (1) L'élément administration et gestion des conseils scolaires pour un conseil scolaire de district pour l'exercice correspond au total des sommes visées aux dispositions suivantes :

1. La somme liée aux allocations et frais des membres du conseil et aux dépenses relatives à la représentation des élèves pour le conseil, calculée en application du paragraphe (2).
2. La somme liée aux directeurs de l'éducation et aux agents de supervision pour le conseil, calculée en application du paragraphe (4).
3. La somme liée aux frais d'administration pour le conseil, calculée en application du paragraphe (5).
4. La somme multi-municipalités pour le conseil, calculée en application du paragraphe (6).

(2) La somme liée aux allocations et frais des membres du conseil et aux dépenses relatives à la représentation des élèves pour le conseil est calculée de la manière suivante :

1. Multiplier le nombre des membres du conseil par 5 000 \$ pour calculer leurs allocations. Pour l'application de la présente disposition et de la disposition 2, le nombre des membres du conseil est calculé en additionnant ce qui suit :
 - i. le nombre de membres déterminé pour le conseil en vertu du sous-alinéa 58.1 (2) k) (i) de la Loi ou, si une résolution visée au paragraphe 58.1 (10.1) de la Loi est en vigueur, le nombre de membres qui y est précisé,
 - ii. le nombre de représentants autochtones déterminé pour le conseil en vertu du paragraphe 188 (5) de la Loi.
 2. Multiplier le nombre des membres du conseil par 5 000 \$ pour calculer leurs frais.
 3. Additionner les produits obtenus en application des dispositions 1 et 2.
 4. Ajouter 10 000 \$ à la somme calculée en application de la disposition 3 au titre des allocations supplémentaires versées au président et au vice-président.
 5. Ajouter 5 000 \$ à la somme calculée en application de la disposition 4 au titre des dépenses relatives à la représentation des élèves.
- (3) Pour l'application du paragraphe (4), les élèves sont dénombrés en fonction de l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.
- (4) La somme liée aux directeurs de l'éducation et aux agents de supervision du conseil est calculée de la manière suivante :
1. Prévoir 443 456 \$ comme somme de base.
 2. Prévoir 11,30 \$ par élève pour la première tranche de 10 000 élèves du conseil.
 3. Prévoir 16,50 \$ par élève pour la tranche suivante de 10 000 élèves du conseil.
 4. Prévoir 22,70 \$ par élève pour le reste des élèves du conseil.
 5. Additionner les sommes prévues en application des dispositions 1 à 4.
 6. Ajouter 2 pour cent de l'élément conseils ruraux et éloignés du conseil pour l'exercice.
 7. Ajouter 0,5 pour cent de la somme indiquée à la colonne 2 du tableau 4 en regard du nom du conseil.
 8. Ajouter 1 pour cent de la somme calculée pour le conseil au titre des nouvelles places en application de l'article 37.
- (5) La somme liée aux frais d'administration pour le conseil est calculée de la manière suivante :
1. Prévoir 84 022 \$ comme somme de base.
 2. Ajouter le produit de 182 \$ et de l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.
 3. Ajouter 11 pour cent de l'élément conseils ruraux et éloignés du conseil pour l'exercice.
 4. Ajouter 0,5 pour cent de la somme indiquée à la colonne 2 du tableau 4 en regard du nom du conseil.
 5. Ajouter 1 pour cent de la somme calculée pour le conseil au titre des nouvelles places en application de l'article 37.
- (6) La somme multi-municipalités éventuelle pour un conseil est calculée conformément aux règles suivantes :
1. Si, le 1^{er} septembre 2003, le territoire de compétence du conseil englobe, en totalité ou en partie, au moins 30 municipalités, mais au plus 49, la somme est calculée selon la formule suivante :

$$(n - 29) \times 500 \$$$
 où «n» représente le nombre de ces municipalités.
 2. Si, le 1^{er} septembre 2003, le territoire de compétence du conseil englobe, en totalité ou en partie, au moins 50 municipalités, mais au plus 99, la somme est calculée selon la formule suivante :

$$10\,000 \$ + [(n - 49) \times 750 \$]$$
 où «n» représente le nombre de ces municipalités.
 3. Si, le 1^{er} septembre 2003, le territoire de compétence du conseil englobe, en totalité ou en partie, au moins 100 municipalités, la somme est calculée selon la formule suivante :

$$47\,500 \$ + [(n - 99) \times 1\,000 \$]$$
 où «n» représente le nombre de ces municipalités.
- (7) Pour l'application du paragraphe (6), une municipalité qui est réputée une municipalité de district n'est pas comptée comme une municipalité.

Élément installations d'accueil pour les élèves**37. (1) Pour l'application du présent article :**

- a) une école d'un conseil est une école élémentaire si le conseil l'a identifiée comme telle conformément à la publication de janvier 1998 du ministère intitulée «Guide de collecte des données pour le système d'inventaire des installations scolaires»;
- b) une école d'un conseil est une école secondaire si le conseil l'a identifiée comme telle conformément à la publication de janvier 1998 du ministère intitulée «Guide de collecte des données pour le système d'inventaire des installations scolaires».

(2) L'élément installations d'accueil pour les élèves pour un conseil scolaire de district pour l'exercice correspond au total des sommes indiquées pour le conseil pour l'exercice dans les dispositions suivantes :

- 1. La somme liée au fonctionnement des écoles.
 - 2. La somme liée à la réfection des écoles.
 - 3. La somme liée aux nouvelles places.
 - 4. La somme liée aux engagements d'immobilisations non réalisés.
- (3) La somme liée au fonctionnement des écoles pour le conseil pour l'exercice est calculée de la manière suivante :
- 1. Calculer l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
 - 2. Multiplier le nombre calculé en application de la disposition 1 par la superficie repère requise par élève de 9,29 mètres carrés pour obtenir la superficie des écoles élémentaires requise pour le conseil.
 - 3. Calculer, en mètres carrés, la superficie redressée des écoles élémentaires requise pour le conseil en appliquant, à la valeur calculée en application de la disposition 2, le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).
 - 4. Calculer l'effectif quotidien moyen de jour du conseil pour l'exercice 2003-2004 conformément à l'article 2 du règlement sur l'effectif quotidien moyen de jour de 2003-2004, en ne comptant que les élèves qui sont âgés d'au moins 21 ans le 31 décembre 2003.
 - 5. Calculer l'effectif quotidien moyen de l'éducation permanente du conseil pour l'exercice 2003-2004 conformément à l'article 3 du règlement sur l'effectif quotidien moyen de 2003-2004, en ne comptant que les élèves inscrits à un cours pour lequel ils peuvent obtenir un crédit et dans lequel l'enseignement est dispensé entre 8 h et 17 h et en excluant les élèves suivants :
 - i. les élèves inscrits à un cours d'éducation permanente dispensé principalement par des moyens autres qu'un enseignement en classe,
 - ii. les élèves auxquels s'applique le paragraphe 49 (6) de la Loi,
 - iii. les élèves à l'égard desquels le conseil impose des droits en application du paragraphe 8 (4) du règlement sur les droits de 2003-2004.
 - 6. Calculer l'effectif quotidien moyen des cours d'été du conseil pour l'exercice conformément à l'article 4 du règlement sur l'effectif quotidien moyen de 2003-2004, en excluant les élèves suivants :
 - i. les élèves auxquels s'applique le paragraphe 49 (6) de la Loi,
 - ii. les élèves à l'égard desquels le conseil impose des droits en application du paragraphe 8 (5) du règlement sur les droits de 2003-2004.
 - 7. Additionner les nombres calculés en application des dispositions 4, 5 et 6.
 - 8. Multiplier le total obtenu en application de la disposition 7 par la superficie repère requise par élève de 9,29 mètres carrés pour obtenir la superficie liée à l'éducation permanente et autres programmes requise pour le conseil.
 - 9. Calculer, en mètres carrés, la superficie redressée liée à l'éducation permanente et autres programmes requise pour le conseil en appliquant, à la valeur calculée en application de la disposition 8, le facteur relatif à la superficie supplémentaire liée à l'éducation permanente et autres programmes que le ministre approuve pour le conseil conformément au paragraphe (6).
 - 10. Calculer l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.
 - 11. Multiplier le nombre calculé en application de la disposition 10 par la superficie repère requise par élève de 12,07 mètres carrés pour obtenir la superficie des écoles secondaires requise pour le conseil.
 - 12. Calculer, en mètres carrés, la superficie redressée des écoles secondaires requise pour le conseil en appliquant, à la valeur calculée en application de la disposition 11, le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).

13. Calculer la superficie totale en mètres carrés redressée requise pour le conseil en additionnant les valeurs suivantes :
 - i. La superficie redressée des écoles élémentaires requise pour le conseil calculée en application de la disposition 3.
 - ii. La superficie redressée liée à l'éducation permanente et autres programmes requise pour le conseil, calculée en application de la disposition 9.
 - iii. La superficie redressée des écoles secondaires requise pour le conseil, calculée en application de la disposition 12.
14. Multiplier le nombre obtenu en application de la disposition 13 par le coût repère de fonctionnement de 58,56 \$ le mètre carré.
15. Pour chaque école élémentaire du conseil, calculer une somme complémentaire liée au fonctionnement des écoles, de la manière suivante :
 - i. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à l'école.
 - ii. Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.
 - iii. Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 9,29 mètres carrés.
 - iv. Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère de fonctionnement de 58,56 \$ le mètre carré.
 - v. Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).
 - vi. Si l'école n'est pas une école à laquelle s'applique la disposition 12 ou 13 du paragraphe 29 (2), prendre la somme éventuelle calculée pour l'école en application de la disposition 4 du paragraphe 29 (3).
 - vii. Multiplier la somme prise en application de la sous-disposition vi par 0,25.
 - viii. Si l'école est une école à laquelle s'applique la disposition 12 ou 13 du paragraphe 29 (2), prendre la somme calculée en application de la disposition 4 du paragraphe 29 (3) pour le groupe d'écoles dont l'école fait partie.
 - ix. Multiplier la somme prise en application de la sous-disposition viii par l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 2003, en ne comptant que les élèves du conseil inscrits à l'école.
 - x. Diviser le produit obtenu en application de la sous-disposition ix par l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 2003, en ne comptant que les élèves du conseil inscrits dans le groupe d'écoles dont l'école fait partie.
 - xi. Multiplier le quotient obtenu en application de la sous-disposition x par 0,25.
 - xii. Additionner les nombres obtenus en application des sous-dispositions v, vii et xi.
 - xiii. Multiplier la capacité d'accueil de l'école, exprimée en places, calculée en application de la sous-disposition ii, par la superficie repère requise par élève de 9,29 mètres carrés.
 - xiv. Multiplier le nombre obtenu en application de la sous-disposition xiii par le coût repère de fonctionnement de 58,56 \$ le mètre carré.
 - xv. Multiplier le nombre obtenu en application de la sous-disposition xiv par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).
 - xvi. Multiplier le nombre obtenu en application de la sous-disposition xv par 0,2.
 - xvii. Soustraire le nombre obtenu en application de la sous-disposition xii de celui obtenu en application de la sous-disposition xv.
 - xviii. Si le nombre obtenu en application de la sous-disposition xvii est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée au fonctionnement des écoles pour l'école en question est de zéro; sinon, elle correspond au moindre du nombre obtenu en application de la sous-disposition xvi et de celui obtenu en application de la sous-disposition xvii.
16. Additionner les sommes complémentaires liées au fonctionnement des écoles, calculées en application de la disposition 15, pour chacune des écoles élémentaires du conseil.

17. Pour chaque école secondaire du conseil, calculer une somme complémentaire liée au fonctionnement des écoles, de la manière suivante :
- Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à l'école.
 - Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.
 - Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 12,07 mètres carrés.
 - Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère de fonctionnement de 58,56 \$ le mètre carré.
 - Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).
 - Prendre la somme éventuelle calculée pour l'école en application de la disposition 7 du paragraphe 29 (3).
 - Multiplier la somme prise en application de la sous-disposition vi par 0,25.
 - Additionner le nombre obtenu en application de la sous-disposition vii et celui obtenu en application de la sous-disposition v.
 - Multiplier la capacité d'accueil de l'école, exprimée en places, calculée en application de la sous-disposition ii, par la superficie repère requise par élève de 12,07 mètres carrés.
 - Multiplier le nombre obtenu en application de la sous-disposition ix par le coût repère de fonctionnement de 58,56 \$ le mètre carré.
 - Multiplier le nombre obtenu en application de la sous-disposition x par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).
 - Multiplier le nombre obtenu en application de la sous-disposition xi par 0,2.
 - Soustraire le nombre obtenu en application de la sous-disposition viii de celui obtenu en application de la sous-disposition xi.
 - Si le nombre obtenu en application de la sous-disposition xiii est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée au fonctionnement des écoles pour l'école en question est de zéro; sinon, elle correspond au moindre du nombre obtenu en application de la sous-disposition xii et de celui obtenu en application de la sous-disposition xiii.
18. Additionner les sommes complémentaires liées au fonctionnement des écoles, calculées en application de la disposition 17, pour chacune des écoles secondaires du conseil.
19. Additionner les sommes obtenues pour le conseil en application des dispositions 14, 16 et 18 pour obtenir la somme liée au fonctionnement des écoles pour le conseil.
- (4) Pour l'application de la disposition 3 du paragraphe (3), le ministre approuve le facteur relatif à la superficie supplémentaire des écoles élémentaires pour un conseil qu'il estime indiqué pour tenir compte des besoins en matière d'espace supérieurs à la normale qui sont propres au conseil et qui découlent de l'une ou l'autre des circonstances suivantes :
- le conseil fait fonctionner une école qu'il est raisonnable de croire trop grande pour la collectivité qu'elle dessert, pour quelque raison que ce soit, notamment la baisse des effectifs;
 - le conseil fait fonctionner une école dans un bâtiment dont il est raisonnable de trouver que les caractéristiques physiques ne correspondent pas à la superficie repère requise visée au paragraphe (3) ni ne peuvent être modifiées facilement pour y correspondre;
 - le conseil a des besoins en matière d'espace supérieurs à la normale parce qu'il dessert un nombre supérieur à la normale d'élèves qui sont inscrits à des programmes d'enseignement à l'enfance en difficulté ou à d'autres programmes d'enseignement qui ont besoin de beaucoup d'espace;
 - il existe d'autres circonstances approuvées par le ministre.
- (5) Lors du calcul d'une somme pour l'application du paragraphe (4), le ministre tient compte de l'incidence des circonstances visées aux alinéas (4) a) à d) sur les besoins du conseil en matière d'espace.
- (6) Sous réserve du paragraphe (7), les paragraphes (4) et (5) s'appliquent, avec les adaptations nécessaires, pour obliger le ministre à approuver un facteur relatif à la superficie supplémentaire liée à l'éducation permanente et autres programmes pour un conseil. À cette fin, la mention de la superficie des écoles élémentaires est réputée une mention de la superficie liée à l'éducation permanente et autres programmes.

(7) Le ministre ne doit pas approuver, en vertu du paragraphe (6), un facteur pour un conseil qui est supérieur à celui qui a été approuvé en vertu du paragraphe (8).

(8) Les paragraphes (4) et (5) s'appliquent, avec les adaptations nécessaires, pour obliger le ministre à approuver un facteur relatif à la superficie supplémentaire des écoles secondaires pour un conseil. À cette fin, la mention de la superficie des écoles élémentaires est réputée une mention de la superficie des écoles secondaires.

(9) La somme liée à la réfection des écoles pour le conseil est calculée de la manière suivante :

1. Prendre le pourcentage de la superficie totale des écoles élémentaires du conseil qui se rapporte aux bâtiments qui datent de moins de 20 ans, tel qu'il est indiqué à la colonne 2 du tableau 6 en regard du nom du conseil.
2. Appliquer le pourcentage visé à la disposition 1 au coût repère au mètre carré de réfection des écoles de 6,89 \$.
3. Prendre le pourcentage de la superficie totale des écoles élémentaires du conseil qui se rapporte aux bâtiments qui datent de 20 ans ou plus, tel qu'il est indiqué à la colonne 3 du tableau 6 en regard du nom du conseil.
4. Appliquer le pourcentage visé à la disposition 3 au coût repère au mètre carré de réfection des écoles de 10,33 \$.
5. Additionner les sommes obtenues en application des dispositions 2 et 4 pour obtenir le coût repère moyen pondéré au mètre carré de réfection des écoles élémentaires.
6. Multiplier la somme obtenue en application de la disposition 5 par la superficie redressée des écoles élémentaires requise pour le conseil calculée en application de la disposition 3 du paragraphe (3).
7. Prendre le pourcentage de la superficie totale des écoles secondaires du conseil qui se rapporte aux bâtiments qui datent de moins de 20 ans, tel qu'il est indiqué à la colonne 4 du tableau 6 en regard du nom du conseil.
8. Appliquer le pourcentage visé à la disposition 7 au coût repère au mètre carré de réfection des écoles de 6,89 \$.
9. Prendre le pourcentage de la superficie totale des écoles secondaires du conseil qui se rapporte aux bâtiments qui datent de 20 ans ou plus, tel qu'il est indiqué à la colonne 5 du tableau 6 en regard du nom du conseil.
10. Appliquer le pourcentage visé à la disposition 9 au coût repère au mètre carré de réfection des écoles de 10,33 \$.
11. Additionner les sommes obtenues en application des dispositions 8 et 10 pour obtenir le coût repère moyen pondéré au mètre carré de réfection des écoles secondaires.
12. Multiplier la somme obtenue en application de la disposition 11 par la superficie redressée des écoles secondaires requise pour le conseil calculée en application de la disposition 12 du paragraphe (3).
13. Multiplier la somme obtenue en application de la disposition 11 par la superficie redressée liée à l'éducation permanente et autres programmes requise pour le conseil calculée en application de la disposition 9 du paragraphe (3).
14. Pour chaque école élémentaire du conseil, calculer une somme complémentaire liée à la réfection des écoles, de la manière suivante :
 - i. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à l'école.
 - ii. Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.
 - iii. Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 9,29 mètres carrés.
 - iv. Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère moyen pondéré au mètre carré de réfection des écoles élémentaires, calculé pour le conseil en application de la disposition 5.
 - v. Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).
 - vi. Multiplier la capacité d'accueil de l'école, exprimée en places, calculée en application de la sous-disposition ii, par la superficie repère requise par élève de 9,29 mètres carrés.
 - vii. Multiplier le nombre obtenu en application de la sous-disposition vi par le coût repère moyen pondéré au mètre carré de réfection des écoles élémentaires, calculé pour le conseil en application de la disposition 5.
 - viii. Multiplier le nombre obtenu en application de la sous-disposition vii par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).
 - ix. Multiplier le nombre obtenu en application de la sous-disposition viii par 0,2.

- x. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition viii.
 - xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée à la réfection des écoles pour l'école en question est de zéro; sinon, elle correspond au moindre du nombre obtenu en application de la sous-disposition ix et de celui obtenu en application de la sous-disposition x.
15. Additionner les sommes complémentaires liées à la réfection des écoles, calculées en application de la disposition 14, pour chacune des écoles élémentaires du conseil.
 16. Pour chaque école secondaire du conseil, calculer une somme complémentaire liée à la réfection des écoles, de la manière suivante :
 - i. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à l'école.
 - ii. Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.
 - iii. Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 12,07 mètres carrés.
 - iv. Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère moyen pondéré au mètre carré de réfection des écoles secondaires, calculé pour le conseil en application de la disposition 11.
 - v. Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).
 - vi. Multiplier la capacité d'accueil de l'école, exprimée en places, calculée en application de la sous-disposition ii, par la superficie repère requise par élève de 12,07 mètres carrés.
 - vii. Multiplier le nombre obtenu en application de la sous-disposition vi par le coût repère moyen pondéré au mètre carré de réfection des écoles secondaires, calculé pour le conseil en application de la disposition 11.
 - viii. Multiplier le nombre obtenu en application de la sous-disposition vii par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).
 - ix. Multiplier le nombre obtenu en application de la sous-disposition viii par 0,2.
 - x. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition viii.
 - xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée à la réfection des écoles pour l'école en question est de zéro; sinon, elle correspond au moindre du nombre obtenu en application de la sous-disposition ix et de celui obtenu en application de la sous-disposition x.
 17. Additionner les sommes complémentaires liées à la réfection des écoles, calculées en application de la disposition 16, pour chacune des écoles secondaires du conseil.
 18. Additionner les sommes obtenues en application des dispositions 6, 12, 13, 15 et 17.
 19. Ajouter la somme calculée en application de la disposition 18 à l'augmentation au titre de la réfection des écoles indiquée en regard du nom du conseil dans le tableau 7 pour obtenir la somme liée à la réfection des écoles pour le conseil.
- (10) La somme liée aux nouvelles places pour le conseil pour l'exercice est calculée de la manière suivante :
1. Calculer l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
 2. Soustraire du nombre calculé en application de la disposition 1 la capacité d'accueil à l'élémentaire du conseil, exprimée en places, que le ministre calcule conformément au paragraphe (19).
 3. Ajouter au nombre calculé en application de la disposition 2 la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif à l'élémentaire pour chaque école élémentaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur.
 4. Si le nombre obtenu en application de la disposition 2 est positif, multiplier celui obtenu en application de la disposition 3 par la superficie repère requise de 9,29 mètres carrés.
 5. Multiplier le produit obtenu en application de la disposition 4 par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.

6. Si le nombre obtenu en application de la disposition 5 correspond à 0 ou à un chiffre négatif, calculer le total de ce qui suit :
 - i. la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif à l'élémentaire pour chaque école élémentaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur,
 - ii. le nombre éventuel de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif à l'élémentaire.
7. Multiplier la somme obtenue en application de la disposition 6 par la superficie repère requise de 9,29 mètres carrés.
8. Multiplier le produit obtenu en application de la disposition 7 par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.
9. Prendre la somme des nombres de nouvelles places requises à l'élémentaire aux fins du redressement temporaire des immobilisations indiqués à la colonne 4 du tableau 8 en regard du nom du conseil.
10. Multiplier le nombre obtenu en application de la disposition 9 par la superficie repère requise de 9,29 mètres carrés.
11. Multiplier le produit obtenu en application de la disposition 10 par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.
12. Prendre le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard des écoles élémentaires dont le coût des réparations est prohibitif, calculé en application du paragraphe 36 (15) du Règlement de l'Ontario 156/02.
13. Ajouter au nombre calculé en application de la disposition 12 le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard des écoles élémentaires dont le coût des réparations est prohibitif, calculé en application du paragraphe (15).
14. Multiplier le nombre obtenu en application de la disposition 13 par la superficie repère requise de 9,29 mètres carrés.
15. Multiplier le produit obtenu en application de la disposition 14 par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.
16. Calculer l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.
17. Soustraire du nombre calculé en application de la disposition 16 la capacité d'accueil au secondaire du conseil, exprimée en places, que le ministre calcule conformément au paragraphe (19).
18. Ajouter au nombre calculé en application de la disposition 17 la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif au secondaire pour chaque école secondaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur.
19. Si le nombre obtenu en application de la disposition 17 est positif, multiplier celui obtenu en application de la disposition 18 par la superficie repère requise de 12,07 mètres carrés.
20. Multiplier le produit obtenu en application de la disposition 19 par le coût repère de construction de nouvelles écoles de 129,17 \$ le mètre carré.
21. Si le nombre obtenu en application de la disposition 17 correspond à 0 ou à un chiffre négatif, calculer le total de ce qui suit :
 - i. la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif au secondaire pour chaque école secondaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur,
 - ii. le nombre éventuel de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif au secondaire.
22. Multiplier la somme obtenue en application de la disposition 21 par la superficie repère requise de 12,07 mètres carrés.
23. Multiplier le produit obtenu en application de la disposition 22 par le coût repère de construction de nouvelles écoles de 129,17 \$ le mètre carré.
24. Prendre la somme des nombres de nouvelles places requises au secondaire aux fins du redressement temporaire des immobilisations indiqués à la colonne 5 du tableau 8 en regard du nom du conseil.
25. Multiplier le nombre obtenu en application de la disposition 24 par la superficie repère requise de 12,07 mètres carrés.
26. Multiplier le produit obtenu en application de la disposition 25 par le coût repère de construction de nouvelles écoles de 129,17 \$ le mètre carré.
27. Prendre le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard des écoles secondaires dont le coût des réparations est prohibitif, calculé en application du paragraphe 36 (17) du Règlement de l'Ontario 156/02.

28. Ajouter au nombre calculé en application de la disposition 27 le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard des écoles secondaires dont le coût des réparations est prohibitif, calculé en application du paragraphe (17).
29. Multiplier le nombre obtenu en application de la disposition 28 par la superficie repère requise de 12,07 mètres carrés.
30. Multiplier le produit calculé en application de la disposition 29 par le coût repère de construction de nouvelles écoles de 129,17 \$ le mètre carré.
31. Additionner les produits obtenus en application des dispositions 5, 8, 11, 15, 20, 23, 26 et 30.
32. Multiplier la somme obtenue en application de la disposition 31 par le facteur de redressement géographique précisé pour le conseil au tableau 9.
33. Si le produit obtenu en application de la disposition 32 est supérieur à 20 millions de dollars, le ramener à cette somme.
34. Si le ministre est convaincu que le conseil a entrepris au plus tard le 31 août 2003 des travaux de construction dont la valeur totale est égale ou supérieure à 200 millions de dollars relativement à des projets mentionnés dans le Rapport sur les nouvelles installations scolaires énoncé à la page 26 de la note de service du 7 janvier 2000 de la sous-ministre de l'Éducation à l'attention des directeurs et directrices de l'éducation intitulée «Cadre de responsabilités — Subventions pour les installations destinées aux élèves» et que le public peut consulter aux bureaux du ministère de l'Éducation, au 900, rue Bay, Toronto (Ontario) M7A 1L2, et que le financement de ces travaux doit provenir en tout ou en partie de sommes calculées pour le conseil en application du présent paragraphe ou d'une disposition qu'il remplace, ajouter à la somme calculée en application de la disposition 33 la somme calculée de la manière suivante afin d'obtenir la somme liée aux nouvelles places pour le conseil :
 - i. Soustraire 20 millions de dollars de la somme calculée en application du paragraphe 36 (10) du Règlement de l'Ontario 156/02 si aucune somme n'a été ajoutée en application de la disposition 26 de ce paragraphe à l'égard du conseil. Une différence négative est réputée nulle.
 - ii. Soustraire 20 millions de dollars de la somme calculée en application du paragraphe 36 (10) du Règlement de l'Ontario 154/01 si aucune somme n'a été ajoutée en application de la disposition 24 de ce paragraphe à l'égard du conseil. Une différence négative est réputée nulle.
 - iii. Soustraire 20 millions de dollars de la somme calculée en application du paragraphe 37 (10) du Règlement de l'Ontario 170/00 si aucune somme n'a été ajoutée en application de la disposition 12 de ce paragraphe à l'égard du conseil. Une différence négative est réputée nulle.
 - iv. Soustraire 20 millions de dollars de la somme calculée en application du paragraphe 38 (11) du Règlement de l'Ontario 214/99. Une différence négative est réputée nulle.
 - v. Soustraire 20 millions de dollars de la somme calculée en application de la disposition 10 du paragraphe 37 (8) du Règlement de l'Ontario 287/98. Une différence négative est réputée nulle.
 - vi. Additionner les sommes calculées en application des sous-dispositions i, ii, iii, iv et v.
 - vii. Diviser le total obtenu en application de la sous-disposition vi par 11 696 \$ et arrondir le quotient à une décimale près.
 - viii. Multiplier le quotient obtenu en application de la sous-disposition vii par la superficie repère requise de 9,29 mètres carrés.
 - ix. Multiplier le produit obtenu en application de la sous-disposition viii par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.
 - x. Soustraire 20 millions de dollars du produit obtenu en application de la disposition 32. Une différence négative est réputée nulle.
 - xi. Additionner la différence obtenue en application de la sous-disposition x et le produit obtenu en application de la sous-disposition ix.

(11) Le nombre éventuel de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif à l'élémentaire est calculé en additionnant les nombres obtenus en application du paragraphe (12) pour chaque école élémentaire du conseil à l'égard de laquelle les conditions des dispositions suivantes sont réunies :

1. L'effectif de 2002-2003 de l'école a dépassé d'au moins 100 le total de ce qui suit :
 - i. la capacité d'accueil déclarée pour 2002-2003 de l'école,
 - ii. le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif à l'élémentaire pour l'école, calculé en application du paragraphe 36 (12) du Règlement de l'Ontario 156/02.
2. L'effectif de 2001-2002 de l'école a dépassé d'au moins 100 le total de ce qui suit :
 - i. la capacité d'accueil déclarée pour 2001-2002 de l'école,

ii. le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif à l'élémentaire pour l'école, calculé en application du paragraphe 36 (12) du Règlement de l'Ontario 154/01.

3. Le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif à l'élémentaire qui serait calculé pour l'école en application du paragraphe (12) dépasse celui calculé selon la formule suivante :

$$A - B$$

où

«A» représente la capacité d'accueil déclarée pour 2002-2003 totale de toutes les autres écoles élémentaires du conseil qui sont situées à huit kilomètres par route au plus de l'école et le total de tous les nombres calculés en application du paragraphe 36 (12) du Règlement de l'Ontario 156/02 à l'égard de ces autres écoles,

«B» représente l'effectif de 2002-2003 total des autres écoles visées à l'élément «A».

(12) Le nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif à l'élémentaire pour chaque école élémentaire correspond à la moyenne des chiffres suivants :

- a) l'excédent de l'effectif de 2002-2003 de l'école sur le total de ce qui suit :
- (i) la capacité d'accueil déclarée pour 2002-2003 de l'école,
 - (ii) le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif à l'élémentaire pour l'école, calculé en application du paragraphe 36 (12) du Règlement de l'Ontario 156/02.
- b) l'excédent de l'effectif de 2001-2002 de l'école sur le total de ce qui suit :
- (i) la capacité d'accueil déclarée pour 2001-2002 de l'école,
 - (ii) le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif à l'élémentaire pour l'école, calculé en application du paragraphe 36 (12) du Règlement de l'Ontario 154/01.

(13) Le nombre éventuel de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif au secondaire est calculé en additionnant les nombres obtenus en application du paragraphe (14) pour chaque école secondaire du conseil à l'égard de laquelle les conditions des dispositions suivantes sont réunies :

1. L'effectif de 2002-2003 de l'école a dépassé d'au moins 100 le total de ce qui suit :
- i. la capacité d'accueil déclarée pour 2002-2003 de l'école,
 - ii. le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif au secondaire pour l'école, calculé en application du paragraphe 36 (14) du Règlement de l'Ontario 156/02.
2. L'effectif de 2001-2002 de l'école a dépassé d'au moins 100 le total de ce qui suit :
- i. la capacité d'accueil déclarée pour 2001-2002 de l'école,
 - ii. le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif au secondaire pour l'école, calculé en application du paragraphe 36 (14) du Règlement de l'Ontario 154/01.
3. Le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif au secondaire qui serait calculé pour l'école en application du paragraphe (14) dépasse celui calculé selon la formule suivante :

$$A - B$$

où

«A» représente la capacité d'accueil déclarée pour 2002-2003 totale de toutes les autres écoles secondaires du conseil qui sont situées à 32 kilomètres par route au plus de l'école et le total de tous les nombres calculés en application du paragraphe 36 (14) du Règlement de l'Ontario 156/02 à l'égard de ces autres écoles,

«B» représente l'effectif de 2002-2003 total des autres écoles visées à l'élément «A».

(14) Le nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif au secondaire pour chaque école secondaire correspond à la moyenne des chiffres suivants :

- a) l'excédent de l'effectif de 2002-2003 de l'école sur le total de ce qui suit :
- (i) la capacité d'accueil déclarée pour 2002-2003 de l'école,
 - (ii) le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif au secondaire pour l'école, calculé en application du paragraphe 36 (14) du Règlement de l'Ontario 156/02;
- b) l'excédent de l'effectif de 2001-2002 de l'école sur le total de ce qui suit :
- (i) la capacité d'accueil déclarée pour 2001-2002 de l'école,

- (ii) le nombre de nouvelles places dont le conseil a eu besoin par suite de l'augmentation de l'effectif au secondaire pour l'école, calculé en application du paragraphe 36 (14) du Règlement de l'Ontario 154/01.

(15) Le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard de ses écoles élémentaires dont le coût des réparations est prohibitif correspond au total des nouvelles places dont il a besoin d'après les calculs effectués en application du paragraphe (16) pour chaque école élémentaire du conseil à l'égard de laquelle les conditions des dispositions suivantes sont réunies :

1. Le nom de l'école figure au tableau 10.
2. Le nombre de nouvelles places dont le conseil a besoin à l'égard de l'école qui serait calculé en application du paragraphe (16) dépasse celui calculé selon la formule suivante :

$$A - B$$

où «A» et «B» s'entendent au sens de la disposition 3 du paragraphe (11).

(16) Le nombre de nouvelles places dont le conseil a besoin à l'égard d'une école élémentaire dont le coût des réparations est prohibitif correspond au plus élevé des nombres suivants :

- a) la moyenne de l'effectif quotidien moyen de jour des élèves de l'école pour 2001-2002 et de l'effectif quotidien moyen de jour des élèves de l'école pour 2002-2003;
- b) 200.

(17) Le nombre éventuel de nouvelles places dont le conseil a besoin à l'égard de ses écoles secondaires dont le coût des réparations est prohibitif correspond au total des nouvelles places dont il a besoin d'après les calculs effectués en application du paragraphe (18) pour chaque école secondaire du conseil à l'égard de laquelle les conditions des dispositions suivantes sont réunies :

1. Le nom de l'école figure au tableau 10.
2. Le nombre de nouvelles places dont le conseil a besoin à l'égard de l'école qui serait calculé en application du paragraphe (18) dépasse celui calculé selon la formule suivante :

$$A - B$$

où «A» et «B» s'entendent au sens de la disposition 3 du paragraphe (13).

(18) Le nombre de nouvelles places dont le conseil a besoin à l'égard d'une école secondaire dont le coût des réparations est prohibitif correspond au plus élevé des nombres suivants :

- a) la moyenne de l'effectif quotidien moyen de jour des élèves de l'école pour 2001-2002 et de l'effectif quotidien moyen de jour des élèves de l'école pour 2002-2003,
- b) 500.

(19) Pour l'application des dispositions 2 et 13 du paragraphe (10) du présent article, la capacité d'accueil à l'élémentaire et la capacité d'accueil au secondaire du conseil sont respectivement la capacité d'accueil à l'élémentaire et la capacité d'accueil au secondaire calculées pour le conseil en application du Règlement de l'Ontario 156/02, sous réserve des redressements suivants :

1. Redresser, s'il y a lieu, la capacité d'accueil à l'élémentaire ou la capacité d'accueil au secondaire calculée pour le conseil en application du Règlement de l'Ontario 156/02 conformément au paragraphe (21).
2. Redresser, s'il y a lieu, le résultat obtenu en application de la disposition 1 conformément aux paragraphes (23), (24), (26), (27), (31), (32), (34), (35), (37) à (46), (48) et (50).

(20) Le ministre établit les charges et les catégories d'aires d'enseignement de la manière suivante :

1. À partir des données sur les installations scolaires, le ministre désigne des catégories d'aires d'enseignement. Lorsqu'il désigne ces catégories, il tient compte, notamment, des catégories figurant dans le rapport d'août 1998 du Comité d'étude des subventions pour les installations destinées aux élèves, que le ministère a remis aux conseils scolaires en septembre 1998 et que le public peut consulter aux bureaux du ministère de l'Éducation, au 900, rue Bay, Toronto (Ontario) M7A 1L2.
2. Le ministre affecte une charge à chaque catégorie d'aires d'enseignement qu'il désigne en application de la disposition 1, en fonction du nombre d'élèves qu'il est raisonnablement possible d'accueillir dans chacune d'elles. Lorsqu'il calcule ce nombre, il tient compte des facteurs qui sont pertinents à son avis, notamment les facteurs liés aux caractéristiques physiques de la catégorie d'aire d'enseignement et l'effectif des classes exigé en application de l'article 170.1 de la Loi.

(21) Le ministre effectue, en application de la disposition 1 du paragraphe (19) du présent article, les redressements qu'il estime indiqués afin de comptabiliser les sommes qu'un conseil a reçues d'un autre relativement à une décision prise en application du Règlement de l'Ontario 460/97 à l'égard de l'affectation d'un élément d'actif d'un ancien conseil.

(22) Le paragraphe (23) ou (24) s'applique à l'égard d'une école élémentaire ou secondaire d'un conseil si, au cours de l'année civile 2002, le conseil, selon le cas :

- a) a présenté, en vertu du Règlement de l'Ontario 444/98, une proposition d'aliénation de l'école, sans contrepartie, en faveur de la Société immobilière de l'Ontario ou d'un conseil;
- b) a avisé le ministre par écrit de l'aliénation de l'école conformément à une ordonnance prise par l'ancienne Commission d'amélioration de l'éducation en vertu du Règlement de l'Ontario 460/97.

(23) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire du conseil à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les nombres obtenus en application de la disposition 1 pour les écoles élémentaires du conseil.
3. Soustraire le total obtenu en application de la disposition 2 de la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(24) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire du conseil à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les nombres obtenus en application de la disposition 1 pour les écoles secondaires du conseil.
3. Soustraire le total obtenu en application de la disposition 2 de la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(25) Le paragraphe (26) ou (27) s'applique à l'égard d'une école élémentaire ou secondaire du conseil si :

- a) d'une part, le conseil en fait l'acquisition par suite d'une proposition d'aliénation de l'école, sans contrepartie, présentée par un autre conseil au cours de l'année civile 2002 en vertu du Règlement de l'Ontario 444/98;
- b) d'autre part, les paragraphes (31) et (32) ne s'appliquent pas à l'école.

(26) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire du conseil à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les nombres obtenus en application de la disposition 1 pour les écoles élémentaires du conseil.
3. Additionner le total obtenu en application de la disposition 2 et la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(27) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire du conseil à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les nombres obtenus en application de la disposition 1 pour les écoles secondaires du conseil.
3. Additionner le total obtenu en application de la disposition 2 et la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(28) Le paragraphe (31) ou (32) s'applique à l'égard d'une école élémentaire ou secondaire du conseil si les conditions suivantes sont réunies :

1. Le conseil en fait l'acquisition par suite d'une proposition d'aliénation de l'école, sans contrepartie, présentée par un autre conseil au cours de l'année civile 2002 en vertu du Règlement de l'Ontario 444/98.
2. Au plus tard 30 jours après avoir offert d'acquérir l'école sans contrepartie, le conseil en avise le ministre par écrit et lui fournit les renseignements et documents qu'il exige pour s'assurer que l'acquisition de l'école réunit les conditions suivantes :
 - i. elle est conforme aux projets à long terme du conseil en matière d'installations d'accueil,
 - ii. elle profiterait aux élèves du conseil,
 - iii. elle entraînerait une utilisation plus efficace des biens publics,
 - iv. elle réduirait le besoin du conseil en matière de construction de nouvelles installations scolaires.

(29) Le paragraphe (31) s'applique à l'égard d'une école élémentaire du conseil si l'école fournit des installations d'accueil pour élèves de l'élémentaire au cours de l'exercice et qu'elle est située dans une municipalité ou ancienne municipalité indiquée à la colonne 2 du tableau 8 en regard du nom du conseil à la colonne 1 de ce tableau, et en regard d'un nombre supérieur à zéro à la colonne 4 du même tableau.

(30) Le paragraphe (32) s'applique à l'égard d'une école secondaire du conseil si l'école fournit des installations d'accueil pour élèves du secondaire au cours de l'exercice et qu'elle est située dans une municipalité ou ancienne municipalité indiquée à la colonne 2 du tableau 8 en regard du nom du conseil à la colonne 1 de ce tableau, et en regard d'un nombre supérieur à zéro à la colonne 5 du même tableau.

(31) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits à cette école.
3. Prendre le moins élevé du nombre calculé pour l'école en application de la disposition 1 et de celui calculé pour l'école en application de la disposition 2.
4. Additionner les nombres obtenus en application de la disposition 3 pour chaque école élémentaire à laquelle s'applique le présent paragraphe.
5. Additionner le total obtenu en application de la disposition 4 et la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(32) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits à cette école.
3. Prendre le moins élevé du nombre calculé pour l'école en application de la disposition 1 et de celui calculé pour l'école en application de la disposition 2.
4. Additionner les nombres obtenus en application de la disposition 3 pour chaque école secondaire à laquelle s'applique le présent paragraphe.
5. Additionner le total obtenu en application de la disposition 4 et la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(33) Le paragraphe (34) ou (35) s'applique à l'égard d'une école élémentaire ou secondaire d'un conseil si les conditions suivantes sont réunies :

- a) au cours de l'année civile 2002, le conseil s'est entendu avec un autre conseil pour aliéner l'école élémentaire ou secondaire en faveur de l'autre conseil, à condition que ce dernier lui transfère une de ses écoles élémentaires ou secondaires;
- b) l'entente visée à l'alinéa a) n'est pas une entente mettant en application une ordonnance de la Commission d'amélioration de l'éducation;
- c) avant la conclusion de l'entente visée à l'alinéa a), le ministre a indiqué par écrit qu'à son avis le transfert prévu par l'entente :
 - (i) était conforme aux projets à long terme des deux conseils en matière d'installations d'accueil,
 - (ii) profiterait aux élèves des deux conseils,
 - (iii) entraînerait une utilisation plus efficace des biens publics,
 - (iv) réduirait le besoin des deux conseils en matière de construction de nouvelles installations scolaires.

(34) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire du conseil à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les résultats obtenus en application de la disposition 1 pour toutes les écoles élémentaires du conseil.

3. Soustraire le total calculé en application de la disposition 2 de la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(35) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire du conseil à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les résultats obtenus en application de la disposition 1 pour toutes les écoles secondaires du conseil.
3. Soustraire le total calculé en application de la disposition 2 de la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(36) Le paragraphe (37) ou (38) s'applique à l'égard d'une école élémentaire ou secondaire d'un conseil qui est acquise dans les circonstances mentionnées au paragraphe (33).

(37) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire du conseil acquise dans les circonstances mentionnées au paragraphe (33), appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à l'école.
3. Soustraire le résultat obtenu en application de la disposition 2 de celui obtenu en application de la disposition 1. Une différence négative est réputée nulle.
4. Additionner les résultats obtenus en application de la disposition 3 pour toutes les écoles élémentaires du conseil.
5. Soustraire le total calculé en application de la disposition 4 de la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(38) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire du conseil acquise dans les circonstances mentionnées au paragraphe (33), appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves du conseil qui sont inscrits à l'école.
3. Soustraire le résultat obtenu en application de la disposition 2 de celui obtenu en application de la disposition 1. Une différence négative est réputée nulle.
4. Additionner les résultats obtenus en application de la disposition 3 pour toutes les écoles secondaires du conseil.
5. Soustraire le total calculé en application de la disposition 4 de la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(39) Si le conseil a acquis une école élémentaire après le 31 décembre 1998, mais avant le début de l'exercice, dans les circonstances mentionnées au paragraphe (33), sa capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire acquise, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits à l'école.
3. Soustraire la somme obtenue en application de la disposition 2 de celle obtenue en application de la disposition 1. Une différence négative est réputée nulle.
4. Additionner les sommes obtenues en application de la disposition 3 pour chaque école élémentaire acquise.
5. Soustraire la somme obtenue en application de la disposition 4 du total de celles obtenues pour le conseil en application des dispositions comparables au présent paragraphe qui figurent dans les règlements pris en application de l'article 234 de la Loi à l'égard des subventions payables aux conseils pour des exercices précédents.
6. Additionner la différence obtenue en application de la disposition 5 et la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(40) Si le conseil a acquis une école secondaire après le 31 décembre 1998, mais avant le début de l'exercice, dans les circonstances mentionnées au paragraphe (33), sa capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire acquise, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits à l'école.
3. Soustraire la somme obtenue en application de la disposition 2 de celle obtenue en application de la disposition 1. Une différence négative est réputée nulle.
4. Additionner les sommes obtenues en application de la disposition 3 pour chaque école secondaire acquise.
5. Soustraire la somme obtenue en application de la disposition 4 du total de celles obtenues pour le conseil en application des dispositions comparables au présent paragraphe qui figurent dans les règlements pris en application de l'article 234 de la Loi à l'égard des subventions payables aux conseils pour des exercices précédents.
6. Additionner la différence obtenue en application de la disposition 5 et la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(41) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée en ajoutant le nombre éventuel de nouvelles places calculé en application du paragraphe (11) par suite de l'augmentation de l'effectif à l'élémentaire.

(42) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée en ajoutant le nombre éventuel de nouvelles places calculé en application du paragraphe (13) par suite de l'augmentation de l'effectif au secondaire.

(43) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire du conseil dont le nom figure au tableau 10, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les résultats obtenus en application de la disposition 1 pour toutes les écoles élémentaires du conseil.
3. Soustraire le total calculé en application de la disposition 2 de la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(44) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire du conseil dont le nom figure au tableau 10, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Additionner les résultats obtenus en application de la disposition 1 pour toutes les écoles secondaires du conseil.
3. Soustraire le total calculé en application de la disposition 2 de la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(45) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée en ajoutant le nombre éventuel de nouvelles places dont le conseil a besoin, d'après les calculs effectués en application du paragraphe (15), à l'égard de ses écoles élémentaires dont le coût des réparations est prohibitif.

(46) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée en ajoutant le nombre éventuel de nouvelles places dont le conseil a besoin, d'après les calculs effectués en application du paragraphe (17), à l'égard de ses écoles secondaires dont le coût des réparations est prohibitif.

(47) Le paragraphe (48) s'applique à l'égard d'une école élémentaire du conseil visée dans une disposition comparable au paragraphe (28) ou (29) dans les règlements pris en application de l'article 234 de la Loi relativement aux subventions payables aux conseils pour des exercices antérieurs.

(48) La capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école élémentaire à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits à cette école.
3. Soustraire la somme obtenue en application de la disposition 2 de celle obtenue pour l'école en application de la disposition 1. Une différence négative est réputée nulle.

4. Additionner les sommes obtenues en application de la disposition 3 pour chaque école élémentaire à laquelle s'applique le présent paragraphe.
5. Soustraire la somme obtenue en application de la disposition 4 du total de celles obtenues pour les exercices antérieurs pour le conseil en application des dispositions comparables au paragraphe (31) qui figurent dans les règlements pris en application de l'article 234 de la Loi à l'égard des subventions payables aux conseils pour des exercices antérieurs.
6. Additionner la différence obtenue en application de la disposition 5 et la capacité d'accueil à l'élémentaire calculée pour le conseil en application du paragraphe (19).

(49) Le paragraphe (50) s'applique à l'égard d'une école secondaire du conseil visée dans une disposition comparable au paragraphe (28) ou (30) dans les règlements pris en application de l'article 234 de la Loi relativement aux subventions payables aux conseils pour des exercices antérieurs.

(50) La capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19) est redressée de la manière suivante :

1. Pour chaque école secondaire à laquelle s'applique le présent paragraphe, appliquer les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe.
2. Calculer l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, en ne comptant que les élèves inscrits à cette école.
3. Soustraire la somme obtenue en application de la disposition 2 de celle obtenue pour l'école en application de la disposition 1. Une différence négative est réputée nulle.
4. Additionner les sommes obtenues en application de la disposition 3 pour chaque école secondaire à laquelle s'applique le présent paragraphe.
5. Soustraire la somme obtenue en application de la disposition 4 du total de celles obtenues pour les exercices antérieurs pour le conseil en application des dispositions comparables au paragraphe (32) qui figurent dans les règlements pris en application de l'article 234 de la Loi à l'égard des subventions payables aux conseils pour des exercices antérieurs.
6. Additionner la différence obtenue en application de la disposition 5 et la capacité d'accueil au secondaire calculée pour le conseil en application du paragraphe (19).

(51) La somme liée aux engagements d'immobilisations non réalisés pour le conseil est calculée de la manière suivante :

1. Prendre le nombre de places à l'élémentaire qui figure dans la colonne 2 du tableau 11, en regard du nom du conseil.
2. Multiplier le nombre pris en application de la disposition 1 par la superficie repère requise par élève de 9,29 mètres carrés.
3. Multiplier le produit obtenu en application de la disposition 2 par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.
4. Prendre le nombre de places au secondaire qui figure dans la colonne 3 du tableau 11, en regard du nom du conseil.
5. Multiplier le nombre pris en application de la disposition 4 par la superficie repère requise par élève de 12,07 mètres carrés.
6. Multiplier le produit obtenu en application de la disposition 5 par le coût repère de construction de nouvelles écoles de 129,17 \$ le mètre carré.
7. Additionner les produits obtenus en application des dispositions 3 et 6.

(52) Pour l'application des dispositions 15 et 17 du paragraphe (3) et des dispositions 14 et 16 du paragraphe (9), la capacité d'accueil d'une école élémentaire ou d'une école secondaire est calculée :

- a) d'une part, en appliquant les charges établies en application du paragraphe (20) aux aires d'enseignement de l'école, classées en application du même paragraphe;
- b) d'autre part, en soustrayant du nombre calculé en application de l'alinéa a) le nombre de nouvelles places calculé en application du paragraphe (15), dans le cas d'une école élémentaire, ou du paragraphe (17), dans le cas d'une école secondaire.

(53) Les définitions qui suivent s'appliquent au présent article.

«aire d'enseignement» Espace dans une école qui peut raisonnablement être utilisé aux fins de l'enseignement. («instructional space»)

«capacité d'accueil déclarée pour 2001-2002» Relativement à une école qui relève d'un conseil, la capacité d'accueil déclarée à l'annexe C des états financiers de 2001-2002 que le conseil a préparés et présentés au ministre en application de la Loi. («2001-2002 reported capacity»)

«capacité d'accueil déclarée pour 2002-2003» Relativement à une école qui relève d'un conseil, la capacité d'accueil déclarée à l'annexe C des états financiers de 2002-2003 que le conseil a préparés et présentés au ministre en application de la Loi. («2002-2003 reported capacity»)

«données sur les installations scolaires» Données relatives aux installations scolaires des conseils et, en outre, plans d'étage et autres données réunies conformément au système de répertoriage des installations scolaires du ministère. («school facilities data»)

«effectif de 2001-2002» Relativement à une école qui relève d'un conseil, l'effectif quotidien moyen de jour des élèves du conseil pour 2001-2002, au sens du Règlement de l'Ontario 152/01, calculé en ne comptant que les élèves inscrits à l'école. («2001-2002 enrolment»)

«effectif de 2002-2003» Relativement à une école qui relève d'un conseil, l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003, au sens du Règlement de l'Ontario 157/02, calculé en ne comptant que les élèves inscrits à l'école. («2002-2003 enrolment»)

«effectif de 2003-2004» Relativement à une école qui relève d'un conseil, l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004, calculé en ne comptant que les élèves inscrits à l'école. («2003-2004 enrolment»)

Élément service de la dette

38. (1) L'élément service de la dette pour un conseil scolaire de district pour l'exercice correspond au total des sommes suivantes :

- a) le montant total de principal et d'intérêts que le conseil verse au cours de l'exercice à l'égard de sa dette avec financement permanent;
- b) le montant total d'intérêts, de droits et d'autres frais, à l'exclusion du principal, que le conseil verse à l'égard de sa dette sans financement permanent avant la prise de dispositions visant à en assurer le refinancement permanent;
- c) le montant total payable au cours de l'exercice à l'égard du financement qui découle des dispositions prises en vue de refinancer la dette sans financement permanent du conseil, y compris les paiements qui doivent être effectués au cours de l'exercice dans un compte de réserve ou un fonds d'amortissement et le montant des dépenses raisonnables.

(2) Les définitions qui suivent s'appliquent au présent article.

«dette avec financement permanent» S'entend, à l'égard d'un conseil, de la somme au 31 août 2001 qui figure à la colonne (d) sous le titre «avec financement permanent» en regard du nom du conseil dans le tableau 2, intitulé «Dette liée aux immobilisations admissible à un soutien financier, par conseil scolaire», du document intitulé *Dette liée aux immobilisations des conseils scolaires (17 juin 2002)*, publié par le ministère et que l'on peut se procurer sur le site Internet du Système d'inventaire des installations scolaires (sfis.edu.gov.on.ca) et auprès de la Direction des services opérationnels du ministère de l'Éducation à l'adresse suivante : Édifice Mowat, 21^e étage, 900, rue Bay, Toronto (Ontario) M7A 1L2. («permanently financed debt»)

«dette sans financement permanent» S'entend, à l'égard d'un conseil scolaire de district, de la somme au 31 août 2001 qui figure à la colonne (e) sous le titre «sans financement permanent» en regard du nom du conseil dans le tableau 2, intitulé «Dette liée aux immobilisations admissible à un soutien financier, par conseil scolaire», du document intitulé *Dette liée aux immobilisations des conseils scolaires (17 juin 2002)*, publié par le ministère et que l'on peut se procurer sur le site Internet du Système d'inventaire des installations scolaires (sfis.edu.gov.on.ca) et auprès de la Direction des services opérationnels du ministère de l'Éducation à l'adresse suivante : Édifice Mowat, 21^e étage, 900, rue Bay, Toronto (Ontario) M7A 1L2. («non-permanently financed debt»)

Redressement pour baisse des effectifs

39. (1) Pour l'application de l'article 11, la somme liée au redressement pour baisse des effectifs d'un conseil scolaire de district pour l'exercice correspond au total de ce qui suit :

- a) d'une part, le produit de 0,5 et de la somme liée au redressement pour baisse des effectifs du conseil, calculée en application de l'article 38 du Règlement de l'Ontario 156/02;
- b) d'autre part, la somme éventuelle liée au redressement supplémentaire pour baisse des effectifs du conseil, calculée en application du paragraphe (3), si le conseil a droit à un tel redressement pour l'exercice.

(2) Le conseil a droit à un redressement supplémentaire pour l'exercice pour calculer son redressement pour baisse des effectifs pour l'exercice en application du paragraphe (1) si les conditions suivantes sont réunies :

- a) la somme liée au redressement supplémentaire dépasserait zéro;
- b) l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 est inférieur à l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003.

(3) Pour l'application de l'alinéa (1) b), la somme liée au redressement supplémentaire pour baisse des effectifs du conseil pour l'exercice correspond à la somme calculée selon la formule suivante :

$$[(A - B) - 0,58(A \times C)] \times D/C$$

où :

- «A» représente la somme calculée pour le conseil en application du paragraphe (4);
- «B» représente la somme calculée pour le conseil en application du paragraphe (5);
- «C» représente la somme calculée pour le conseil en application du paragraphe (6);
- «D» représente la somme calculée pour le conseil en application du paragraphe (7).

(4) La somme calculée pour un conseil en application du présent paragraphe correspond au total des sommes suivantes calculées pour le conseil pour son exercice 2002-2003 en application du Règlement de l'Ontario 156/02 :

1. L'élément éducation de base pour l'exercice.
2. La somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour l'exercice.
3. Dans le cas d'un conseil scolaire de district de langue française, la somme liée aux programmes de français langue première comprise dans l'élément enseignement des langues pour le conseil pour l'exercice.
4. L'élément petites écoles pour l'exercice.
5. L'élément conseils ruraux et éloignés pour l'exercice.
6. La somme liée à l'aide à l'apprentissage durant les premières années d'études comprise dans l'élément programmes d'aide à l'apprentissage pour l'exercice.
7. L'élément apprentissage durant les premières années d'études pour l'exercice.
8. L'élément administration et gestion pour l'exercice.
9. La somme liée au fonctionnement des écoles calculée en application de l'article 36 du Règlement de l'Ontario 156/02 pour l'exercice.

(5) La somme calculée pour un conseil en application du présent paragraphe correspond à la somme calculée pour son exercice 2003-2004 de la manière suivante :

1. Additionner :
 - i. l'élément éducation de base pour l'exercice,
 - ii. la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour l'exercice,
 - iii. dans le cas d'un conseil scolaire de district de langue française, la somme liée aux programmes de français langue première comprise dans l'élément enseignement des langues pour le conseil pour l'exercice,
 - iv. l'élément petites écoles pour l'exercice,
 - v. l'élément conseils ruraux et éloignés pour l'exercice,
 - vi. la somme liée à l'aide à l'apprentissage durant les premières années d'études comprise dans l'élément programmes d'aide à l'apprentissage pour l'exercice,
 - vii. l'élément apprentissage durant les premières années d'études pour l'exercice,
 - viii. l'élément administration et gestion pour l'exercice,
 - ix. la somme liée au fonctionnement des écoles calculée en application de l'article 37 pour l'exercice.
2. Soustraire du total obtenu en application de la disposition 1 le total de ce qui suit :
 - i. le produit de l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 et de la somme indiquée dans la colonne 2 du tableau 12 en regard du nom du conseil dans la colonne 1 de ce tableau,
 - ii. le produit de 0,149 et de la somme calculée en application de la disposition 8 du paragraphe 29 (3).

(6) La somme calculée pour un conseil en application du présent paragraphe correspond à la somme calculée selon la formule suivante :

$$1 - E/F$$

où :

- «E» représente l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004;
- «F» représente l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003, calculé en application de l'article 2 du Règlement de l'Ontario 157/02;

«E/F» est arrondi à la cinquième décimale.

(7) La somme calculée pour un conseil en application du présent paragraphe correspond à la somme calculée de la manière suivante :

1. Si la somme calculée pour le conseil en application du paragraphe (6) ne dépasse pas 0,0025, la somme calculée pour le conseil en application du présent paragraphe correspond à la somme calculée selon la formule suivante :

$$0,5 \times C$$

où «C» correspond à la somme calculée pour le conseil en application du paragraphe (6).

2. Si la somme calculée pour le conseil en application du paragraphe (6) est supérieure à 0,0025 mais ne dépasse pas 0,015, la somme calculée pour le conseil en application du présent paragraphe correspond à la somme calculée selon la formule suivante :

$$(C - 0,0025) + 0,00125$$

où «C» correspond à la somme calculée pour le conseil en application du paragraphe (6).

3. Si la somme calculée pour le conseil en application du paragraphe (6) est supérieure à 0,015, la somme calculée pour le conseil en application du présent paragraphe correspond à la somme calculée selon la formule suivante :

$$1,5 \times (C - 0,015) + 0,01375$$

où «C» correspond à la somme calculée pour le conseil en application du paragraphe (6).

(8) Pour l'application de l'alinéa (2) b), l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003 correspond à l'effectif quotidien moyen de jour des élèves du conseil calculé en application de l'article 2 du Règlement de l'Ontario 157/02.

Conformité

40. Chaque conseil scolaire de district est tenu de gérer son processus d'établissement des prévisions budgétaires et ses dépenses de façon conforme aux exigences des articles 41 à 44.

Enveloppes, dépenses liées aux classes

41. (1) Pour l'application du présent article :

- a) constitue une dépense liée aux classes la dépense du conseil qui est classée comme telle dans le plan comptable uniforme du ministère;
- b) constitue une dépense non liée aux classes la dépense du conseil qui est classée comme telle dans le plan comptable uniforme du ministère.

(2) Sous réserve du paragraphe (8), un conseil scolaire de district fait en sorte que ses dépenses nettes liées aux classes pour l'exercice, calculées conformément au paragraphe (3), soient au moins égales à ses dépenses liées aux classes pour l'exercice, calculées conformément au paragraphe (5).

(3) Les dépenses nettes liées aux classes d'un conseil pour l'exercice sont calculées de la manière suivante :

1. Calculer les dépenses totales liées aux classes du conseil pour l'exercice.
2. Soustraire les recettes liées aux classes qui proviennent de sources autres que des subventions générales et des impôts scolaires, calculées pour le conseil en application du paragraphe (4).
3. Additionner la part de la somme visée au paragraphe 233 (1) de la Loi qui se trouve dans le fonds de réserve du conseil le 31 août 2004, avant le virement prévu au paragraphe 233 (2) de la Loi, qui est imputable aux dépenses liées aux classes.

(4) Les recettes liées aux classes qui proviennent de sources autres que des subventions générales et des impôts scolaires pour le conseil correspondent au total des sommes suivantes :

1. La somme correspondant à 68,49 pour cent du total des recettes du conseil calculées en application des articles 3, 5 et 6 du règlement sur les droits de 2003-2004.
2. Le total des sommes affectées aux dépenses liées aux classes, prélevées sur les réserves du conseil pendant l'exercice.
3. Les recettes provenant d'autres sources que reçoit le conseil pendant l'exercice, autres que les recettes visées à la disposition 1, qui sont affectées pendant cet exercice à des dépenses qui sont des dépenses liées aux classes au sens du présent article.

(5) Les dépenses liées aux classes d'un conseil pour l'exercice sont calculées de la manière suivante :

1. Multiplier le pourcentage précisé à la colonne 2 du tableau 13 pour l'élément éducation de base par la somme de base du conseil qui vise les élèves de l'élémentaire.

2. Multiplier le pourcentage précisé à la colonne 3 du tableau 13 pour l'élément éducation de base par la somme de base du conseil qui vise les élèves du secondaire.
3. Calculer pour le conseil une somme liée aux programmes de langue autochtone et de français langue première ou langue seconde pour les élèves de l'élémentaire de la manière suivante :
 - i. Dans le cas d'un conseil scolaire de district de langue anglaise, additionner la somme liée aux programmes de français langue seconde et la somme liée aux programmes de langue autochtone, toutes deux calculées pour les élèves de l'élémentaire du conseil pour l'exercice.
 - ii. Dans le cas d'un conseil scolaire de district de langue française, additionner les sommes calculées pour le conseil en application des dispositions 1 et 3 de l'article 27 et la somme liée aux programmes de langue autochtone du conseil pour l'exercice qui vise ses élèves de l'élémentaire.
4. Appliquer le pourcentage précisé à la colonne 2 du tableau 13 pour les sommes liées aux programmes de langue autochtone et de français langue première ou langue seconde à la somme calculée pour le conseil en application de la disposition 3.
5. Calculer pour le conseil une somme liée aux programmes de langue autochtone et de français langue première ou langue seconde pour les élèves du secondaire de la manière suivante :
 - i. Dans le cas d'un conseil scolaire de district de langue anglaise, additionner la somme liée aux programmes de français langue seconde et la somme liée aux programmes de langue autochtone, toutes deux calculées pour les élèves du secondaire du conseil pour l'exercice.
 - ii. Dans le cas d'un conseil scolaire de district de langue française, additionner la somme calculée pour le conseil en application de la disposition 2 de l'article 27 et la somme liée aux programmes de langue autochtone du conseil pour l'exercice qui vise ses élèves du secondaire.
6. Appliquer le pourcentage précisé à la colonne 3 du tableau 13 pour les sommes liées aux programmes de langue autochtone et de français langue première ou langue seconde à la somme calculée pour le conseil en application de la disposition 5.
7. Calculer pour le conseil une somme liée aux programmes d'ESL/ESD/ ALF/PDF pour les élèves de l'élémentaire de la manière suivante :
 - i. Dans le cas d'un conseil scolaire de district de langue anglaise, diviser la somme liée aux programmes d'ESL/ESD du conseil pour l'exercice par l'effectif quotidien moyen de jour de ses élèves pour 2003-2004 et multiplier le résultat par l'effectif quotidien moyen de jour de ses élèves de l'élémentaire pour 2003-2004.
 - ii. Dans le cas d'un conseil scolaire de district de langue française, diviser la somme liée aux programmes d'ALF/PDF du conseil pour l'exercice par l'effectif quotidien moyen de jour de ses élèves pour 2003-2004 et multiplier le résultat par l'effectif quotidien moyen de jour de ses élèves de l'élémentaire pour 2003-2004.
8. Appliquer le pourcentage précisé à la colonne 2 du tableau 13 pour les sommes liées aux programmes d'ESL/ESD/ALF/PDF à la somme calculée pour le conseil en application de la disposition 7.
9. Calculer pour le conseil une somme liée aux programmes d'ESL/ESD/ ALF/PDF pour les élèves du secondaire de la manière suivante :
 - i. Dans le cas d'un conseil scolaire de district de langue anglaise, diviser la somme liée aux programmes d'ESL/ESD du conseil pour l'exercice par l'effectif quotidien moyen de jour de ses élèves pour 2003-2004 et multiplier le résultat par l'effectif quotidien moyen de jour de ses élèves du secondaire pour 2003-2004.
 - ii. Dans le cas d'un conseil scolaire de district de langue française, diviser la somme liée aux programmes d'ALF/PDF du conseil pour l'exercice par l'effectif quotidien moyen de jour de ses élèves pour 2003-2004 et multiplier le résultat par l'effectif quotidien moyen de jour de ses élèves du secondaire pour 2003-2004.
10. Appliquer le pourcentage précisé à la colonne 3 du tableau 13 pour les sommes liées aux programmes d'ESL/ESD/ALF/PDF à la somme calculée pour le conseil en application de la disposition 9.
11. Multiplier le pourcentage précisé à la colonne 2 du tableau 13 pour la compétence et l'expérience des enseignants par l'élément compétence et expérience des enseignants des écoles élémentaires du conseil pour l'exercice.
12. Multiplier le pourcentage précisé à la colonne 3 du tableau 13 pour la compétence et l'expérience des enseignants par l'élément compétence et expérience des enseignants des écoles secondaires du conseil pour l'exercice.
13. Prendre la part de la somme liée à l'élément éducation de l'enfance en difficulté du conseil qui vise ses élèves de l'élémentaire et qui est imputable aux dépenses liées aux classes.
14. Prendre la part de la somme liée à l'élément éducation de l'enfance en difficulté du conseil qui vise ses élèves du secondaire et qui est imputable aux dépenses liées aux classes.
15. Multiplier le pourcentage précisé à la colonne 2 du tableau 13 pour les petites écoles par la somme calculée pour le conseil en application de la disposition 4 du paragraphe 29 (3).

16. Multiplier le pourcentage précisé à la colonne 3 du tableau 13 pour les petites écoles par la somme calculée pour le conseil en application de la disposition 8 du paragraphe 29 (3).
17. Diviser le montant de l'élément conseils ruraux et éloignés du conseil pour l'exercice par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 et multiplier le résultat par l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
18. Appliquer le pourcentage précisé à la colonne 2 du tableau 13 pour l'élément conseils ruraux et éloignés au montant calculé pour le conseil en application de la disposition 17.
19. Diviser le montant de l'élément conseils ruraux et éloignés du conseil pour l'exercice par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 et multiplier le résultat par l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.
20. Appliquer le pourcentage précisé à la colonne 3 du tableau 13 pour l'élément conseils ruraux et éloignés au montant calculé pour le conseil en application de la disposition 19.
21. Multiplier le pourcentage précisé à la colonne 2 du tableau 13 pour l'apprentissage durant les premières années d'études par le montant de l'élément apprentissage durant les premières années d'études calculé pour le conseil pour l'exercice.
22. Additionner la somme indiquée à la colonne 2 du tableau 4 en regard du nom du conseil et la somme calculée pour le conseil pour l'exercice en application de la disposition 4 du paragraphe 31 (4).
23. Additionner ce qui suit :
 - i. le produit obtenu en multipliant la somme obtenue en application de la disposition 22 par le quotient obtenu en divisant l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004 par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004,
 - ii. le total des sommes obtenues pour le conseil pour l'exercice en application des dispositions 2 et 8 du paragraphe 31(4),
 - iii. le produit obtenu en multipliant par 122 \$ l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004, en ne comptant que les élèves inscrits à la maternelle, au jardin d'enfants et aux première, deuxième et troisième années.
24. Appliquer le pourcentage précisé à la colonne 2 du tableau 13 pour les programmes d'aide à l'apprentissage au total obtenu en application de la disposition 23.
25. Multiplier le total obtenu en application de la disposition 22 par le quotient obtenu en divisant l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004 par l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004.
26. Additionner ce qui suit :
 - i. la somme obtenue en application de la disposition 25,
 - ii. le total des sommes obtenues pour le conseil pour l'exercice en application des dispositions 1 et 6 du paragraphe 31 (4).
27. Appliquer le pourcentage précisé à la colonne 3 du tableau 13 pour les programmes d'aide à l'apprentissage au total obtenu en application de la disposition 26.
28. Multiplier par 2 429 \$ l'effectif calculé pour le conseil en application de la disposition 1 du paragraphe 32 (1) pour obtenir la somme liée à l'éducation des adultes de jour pour le conseil.
29. Appliquer le pourcentage précisé à la colonne 3 du tableau 13 pour l'éducation des adultes de jour à la somme calculée pour le conseil en application de la disposition 28.
30. Additionner les sommes calculées pour le conseil en application des dispositions 1, 4, 8, 11, 13, 15, 18, 21 et 24.
31. Additionner les sommes calculées pour le conseil en application des dispositions 2, 6, 10, 12, 14, 16, 20, 27 et 29.
32. Multiplier la part des économies liées au R.R.E.M.O. du conseil qu'il attribue raisonnablement aux élèves de l'élémentaire pendant l'exercice par la part de celles qui sont imputables aux dépenses liées aux classes de l'élémentaire pendant le même exercice.
33. Déduire la somme calculée en application de la disposition 32 de celle calculée en application de la disposition 30.
34. Multiplier l'excédent de la somme calculée à l'égard du conseil en application de l'alinéa 45 a) sur la somme calculée à l'égard du conseil en application de l'alinéa 45 b) par le rapport entre l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2002-2003 et l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003.

35. Multiplier la somme calculée en application de la disposition 34 par le pourcentage précisé à la colonne 2 du tableau 13 pour l'élément éducation de base.
 36. Déduire la somme calculée en application de la disposition 35 de celle calculée en application de la disposition 33.
 37. Multiplier la part des économies liées au R.R.E.M.O. du conseil qu'il attribue raisonnablement aux élèves du secondaire pendant l'exercice par la part de celles qui sont imputables aux dépenses liées aux classes du secondaire pendant le même exercice.
 38. Déduire la somme calculée en application de la disposition 37 de celle calculée en application de la disposition 31.
 39. Multiplier l'excédent de la somme calculée à l'égard du conseil en application de l'alinéa 45 a) sur la somme calculée à l'égard du conseil en application de l'alinéa 45 b) par le rapport entre l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2002-2003 et l'effectif quotidien moyen de jour des élèves du conseil pour 2002-2003.
 40. Multiplier la somme calculée en application de la disposition 39 par le pourcentage précisé à la colonne 3 du tableau 13 pour l'élément éducation de base.
 41. Déduire la somme calculée en application de la disposition 40 de celle calculée en application de la disposition 38.
 42. Faire le total des sommes calculées pour le conseil en application des dispositions 36 et 41.
 43. Ajouter à la somme calculée en application de la disposition 42 la part éventuelle du fonds de flexibilité du conseil qui :
 - i. d'une part, n'est pas affectée en application de la disposition 2 du paragraphe 44 (2),
 - ii. d'autre part, est affectée par le conseil aux dépenses liées aux classes pour l'exercice.
- (6) Pour l'application du paragraphe (5), le total de la part des économies liées au R.R.E.M.O. du conseil qu'il attribue aux élèves de l'élémentaire et de celle qu'il attribue à ceux du secondaire ne doit pas dépasser les économies liées au R.R.E.M.O. du conseil.
- (7) Si les dépenses liées aux classes pour l'exercice d'un conseil, calculées conformément au paragraphe (5), sont supérieures à ses dépenses nettes liées aux classes pour l'exercice, calculées conformément au paragraphe (3), le conseil est réputé se conformer au paragraphe (2) s'il peut prouver, dans le document remis au ministère en application de l'alinéa 231 (11) c) de la Loi, que l'excédent se justifie :
- a) soit par des sommes versées dans un fonds de réserve pour dépenses liées aux classes;
 - b) soit par des dépenses autres que des dépenses non liées aux classes.
- (8) Pour l'application du paragraphe (7) :
- a) la somme correspondant à 91,7 pour cent de toute somme versée dans un fonds de réserve pour dépenses liées à l'éducation de l'enfance en difficulté est réputée une somme versée dans un fonds de réserve pour dépenses liées aux classes pour l'application de l'alinéa (7) a);
 - b) la somme versée au titre de la part du déficit d'un exercice antérieur ne constitue pas une dépense non liée aux classes si cette part est imputable aux dépenses liées aux classes pour l'application de l'alinéa (7) b).

Dépenses obligatoires, éducation de l'enfance en difficulté

42. (1) Sous réserve du paragraphe (2), le conseil scolaire de district fait en sorte que la somme qu'il affecte pendant l'exercice à des mesures d'éducation de l'enfance en difficulté pour ses élèves ne soit pas inférieure à l'excédent de la somme liée à l'élément éducation de l'enfance en difficulté du conseil pour l'exercice sur la part des économies liées au R.R.E.M.O. pour le conseil qui est imputable à la dépense qu'il affecte à des mesures d'éducation de l'enfance en difficulté pendant l'exercice.

(2) Si la dépense nette que le conseil affecte à des mesures d'éducation de l'enfance en difficulté pour ses élèves pendant l'exercice est inférieure à la somme exigée en application du paragraphe (1), le conseil verse la différence dans son fonds de réserve pour l'éducation de l'enfance en difficulté.

(3) Pour l'application du présent article, la dépense nette qu'un conseil affecte à des mesures d'éducation de l'enfance en difficulté pendant l'exercice est calculée de la manière suivante :

1. Additionner la part de la somme visée au paragraphe 233 (1) de la Loi qui se trouve dans le fonds de réserve du conseil le 31 août 2004, immédiatement avant le virement prévu au paragraphe 233 (2) de la Loi, qui est imputable à l'éducation de l'enfance en difficulté à la dépense qu'il affecte à des mesures d'éducation de l'enfance en difficulté pour ses élèves pendant l'exercice 2003-2004.
2. Déduire les sommes suivantes de la somme calculée en application de la disposition 1 :
 - i. Les sommes éventuelles virées du fonds de réserve du conseil pour l'éducation de l'enfance en difficulté pendant l'exercice.

- ii. Les autres sommes éventuelles virées de réserves pendant l'exercice qui sont imputées à la dépense que le conseil affecte à des mesures d'éducation de l'enfance en difficulté pour ses élèves.
- iii. Les recettes éventuelles provenant d'autres sources que le conseil reçoit pendant l'exercice et qu'il affecte pendant cet exercice à des mesures d'éducation de l'enfance en difficulté pour ses élèves.

(4) Le présent article ne doit pas être interprété de façon à limiter la somme que le conseil peut affecter à des mesures d'éducation de l'enfance en difficulté.

Dépenses obligatoires, immobilisations

43. (1) Sous réserve du paragraphe (2), le conseil scolaire de district fait en sorte qu'une somme égale au total des sommes suivantes, calculées pour le conseil en application de l'article 37, soit affectée à l'acquisition d'immobilisations au cours de l'exercice :

1. La somme liée à la réfection des écoles.
2. La somme liée aux nouvelles places.
3. La somme liée aux engagements d'immobilisations non réalisés.

(2) Le conseil verse dans son fonds de réserve pour les installations d'accueil pour les élèves la différence entre la dépense nette qu'il engage pour faire l'acquisition d'immobilisations au cours de l'exercice et le total calculé en application du paragraphe (1) si la dépense est inférieure à ce total.

(3) Pour l'application du présent article, la dépense nette qu'un conseil engage pour faire l'acquisition d'immobilisations au cours de l'exercice est calculée en déduisant les sommes suivantes de la dépense qu'il engage pour faire l'acquisition d'immobilisations au cours de cet exercice.

1. Les sommes éventuelles virées du fonds de réserve pour les installations d'accueil pour les élèves au cours de l'exercice.
2. Les sommes éventuelles virées du fonds de réserve du produit de disposition au cours de l'exercice et qui sont affectées au cours de cet exercice à des dépenses engagées pour faire l'acquisition d'immobilisations.
3. Les sommes éventuelles virées d'autres réserves au cours de l'exercice, autres que les fonds de réserve de redevances d'aménagement scolaires, et que le conseil a affectées au cours de cet exercice à des dépenses engagées pour faire l'acquisition d'immobilisations.
4. Les recettes éventuelles provenant d'autres sources que le conseil reçoit au cours de l'exercice et qu'il affecte au cours de cet exercice à l'acquisition d'immobilisations.

(4) Le présent article ne doit pas être interprété de façon à limiter la somme que le conseil peut affecter à l'acquisition d'immobilisations.

Dépenses d'administration et de gestion maximales

44. (1) Chaque conseil scolaire de district veille à ce que les dépenses nettes d'administration et de gestion qu'il engage au cours de l'exercice ne soient pas supérieures à son plafond fixé des dépenses d'administration et de gestion.

(2) Le plafond des dépenses d'administration et de gestion du conseil pour l'exercice est calculé de la manière suivante :

1. Soustraire la part des économies liées au R.R.E.M.O. pour le conseil qui est imputable aux dépenses d'administration et de gestion pour l'exercice de l'élément administration et gestion du conseil pour l'exercice.
2. Ajouter à la somme calculée en application de la disposition 1 la part du fonds de flexibilité du conseil qui :
 - i. d'une part, n'est pas affectée en application de la disposition 43 du paragraphe 41 (5),
 - ii. d'autre part, est affectée par le conseil au plafond des dépenses d'administration et de gestion.

(3) Pour l'application du présent article :

- a) constitue une dépense d'administration la dépense du conseil qui est classée comme telle dans le plan comptable uniforme du ministère;
- b) constitue une dépense de gestion la dépense du conseil qui est classée comme telle dans le plan comptable uniforme du ministère.

(4) Pour l'application du présent article, les dépenses nettes d'administration et de gestion qu'un conseil engage au cours de l'exercice sont calculées de la manière suivante :

1. Calculer le total des dépenses d'administration et des dépenses de gestion que le conseil engage au cours de l'exercice.
2. Additionner la part de la somme visée au paragraphe 233 (1) de la Loi qui se trouve dans le fonds de réserve du conseil le 31 août 2004, avant le virement prévu au paragraphe 233 (2) de la Loi, qui est imputable aux dépenses d'administration et de gestion et la somme calculée en application de la disposition 1.

5. Déduire les sommes suivantes du total obtenu en application de la disposition 2 :

- i. Les sommes éventuelles virées de réserves au cours de l'exercice qui sont imputées aux dépenses d'administration ou de gestion du conseil.
- ii. Les recettes éventuelles provenant d'autres sources que le conseil reçoit au cours de l'exercice et qu'il affecte au cours de cet exercice à ses dépenses d'administration ou de gestion.

Fonds de flexibilité

45. Le fonds de flexibilité d'un conseil scolaire de district pour l'exercice correspond à celle des sommes suivantes qui est supérieure à l'autre :

- a) le fonds de flexibilité du conseil pour l'exercice 2002-2003, calculé en application de l'article 44 du Règlement de l'Ontario 156/02;
- b) le total de la somme liée aux priorités locales du conseil pour l'exercice 2003-2004 et du redressement éventuel pour baisse des effectifs calculé en application de l'article 39.

PARTIE III

SUBVENTIONS EN FAVEUR DES ADMINISTRATIONS SCOLAIRES

Subventions en faveur des conseils isolés

46. (1) Pour l'application du présent article, constitue la dépense approuvée d'un conseil isolé la dépense que le ministre juge acceptable telle qu'elle figure dans les formules que le ministère fournit au conseil isolé aux fins du calcul de sa subvention générale de 2003-2004.

(2) Lorsqu'il fait des calculs pour l'application du paragraphe (1), le ministre applique, avec les adaptations qu'il estime indiquées pour tenir compte des caractéristiques propres aux conseils isolés, la formule de financement sur laquelle se fondent les dispositions du présent règlement qui se rapportent aux subventions en faveur des conseils scolaires de district.

(3) Pour l'application du présent article, les recettes fiscales de 2003-2004 du conseil isolé sont calculées de la manière suivante :

1. Additionner ce qui suit :

i. 38 pour cent de la somme de ce qui suit :

- A. le total des sommes remises au conseil à l'égard de l'année civile 2003 en application des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la *Loi sur l'éducation*, des articles 447.20 et 447.52 de la *Loi sur les municipalités*, tels qu'ils s'appliquent par l'effet de l'article 474 de la *Loi de 2001 sur les municipalités*, des paragraphes 353 (4), 364 (22) et 365.2 (16) de la *Loi de 2001 sur les municipalités*, de l'article 10 du Règlement de l'Ontario 509/98 et du paragraphe 13 (2) du Règlement de l'Ontario 3/02,
- B. les sommes éventuelles visées au paragraphe 364 (22) de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet de l'article 257.12.3 de la *Loi sur l'éducation*, qui sont versées au conseil à l'égard de l'année civile 2003,
- C. le total de toutes les sommes éventuelles qu'une municipalité verse au conseil à l'égard de l'année civile 2003 en application du paragraphe 353 (4) ou 366 (3) de la *Loi de 2001 sur les municipalités*,
- D. les sommes éventuelles que le conseil affecte au paiement du coût d'annulation de biens-fonds vendus pour arriérés d'impôts pendant l'année civile 2003, en application de l'article 380 de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet du paragraphe 371 (2) de cette loi,
- E. les paiements tenant lieu d'impôts remis au conseil à l'égard de l'année civile 2003 en vertu du paragraphe 322 (1) de la *Loi de 2001 sur les municipalités*,
- F. les subventions éventuelles versées au conseil à l'égard de l'année civile 2003 en vertu du paragraphe 302 (2) de la *Loi de 2001 sur les municipalités*,
- G. les sommes éventuelles que le conseil reçoit à l'égard de l'année civile 2003 en vertu de la *Loi sur les paiements versés en remplacement d'impôts* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles,

ii. 62 pour cent de la somme de ce qui suit :

- A. le total des sommes remises au conseil à l'égard de l'année civile 2004 en application des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la *Loi sur l'éducation*, des articles 447.20 et 447.52 de la *Loi sur les municipalités*, tels qu'ils s'appliquent par l'effet de l'article 474 de la *Loi de 2001 sur les municipalités*, des paragraphes 353

(4), 364 (22) et 365.2 (16) de la *Loi de 2001 sur les municipalités*, de l'article 10 du Règlement de l'Ontario 509/98 et du paragraphe 13 (2) du Règlement de l'Ontario 3/02,

- B. les sommes éventuelles visées au paragraphe 364 (22) de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet de l'article 257.12.3 de la *Loi sur l'éducation*, qui sont versées au conseil à l'égard de l'année civile 2004,
- C. le total de toutes les sommes éventuelles qu'une municipalité verse au conseil à l'égard de l'année civile 2004 en application du paragraphe 353 (4) ou 366 (3) de la *Loi de 2001 sur les municipalités*,
- D. les sommes éventuelles que le conseil affecte au paiement du coût d'annulation de biens-fonds vendus pour arriérés d'impôts pendant l'année civile 2004, en application de l'article 380 de la *Loi de 2001 sur les municipalités*, tel qu'il s'applique par l'effet du paragraphe 371 (2) de cette loi,
- E. les paiements tenant lieu d'impôts remis au conseil à l'égard de l'année civile 2004 en vertu du paragraphe 322 (1) de la *Loi de 2001 sur les municipalités*,
- F. les subventions éventuelles versées au conseil à l'égard de l'année civile 2004 en vertu du paragraphe 302 (2) de la *Loi de 2001 sur les municipalités*,
- G. les sommes éventuelles que le conseil reçoit à l'égard de l'année civile 2004 en vertu de la *Loi sur les paiements versés en remplacement d'impôts* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles,

iii. le total des sommes éventuelles remises au conseil au cours de l'exercice en application du paragraphe 2 (3) du Règlement de l'Ontario 365/98,

iv. le total des sommes éventuelles versées au conseil au cours de l'exercice en application de l'alinéa 3 (1) a) du Règlement de l'Ontario 366/98.

2. Si le conseil est tenu de prélever des impôts scolaires à l'égard de biens situés dans un territoire non érigé en municipalité, déduire la somme de ce qui suit :

i. 0,76 pour cent du total des impôts scolaires prélevés pour l'année civile 2003 et de ceux que le conseil a prélevés pour cette année-là en application de l'article 21.1 de la *Loi sur l'impôt foncier provincial*,

ii. 1,24 pour cent du total des impôts visés à la sous-disposition i que le conseil prélève pour l'année civile 2004.

3. Déduire les frais dont le conseil est redevable en application de la Loi ou de la *Loi de 1996 sur les élections municipales* et qu'il engage pendant l'exercice pour tenir l'élection de membres dans un territoire non érigé en municipalité qui est réputé une municipalité de district pour l'application de l'alinéa 257.12 (3) a) de la Loi.

4. Déduire les sommes qu'un conseil municipal a exigées du conseil pendant l'année civile 2003 en application de l'article 353 de la *Loi de 2001 sur les municipalités*, y compris les sommes exigées en application de cet article par suite d'une loi d'intérêt privé.

5. Déduire le total des sommes que le conseil remet, paie ou porte au crédit de quelqu'un en application de l'article 257.2.1 de la Loi pendant l'exercice.

6. Déduire 38 pour cent du total des sommes éventuelles que le conseil verse à l'égard de l'année civile 2003 en application des paragraphes 361 (7), 364 (11), 365 (3), 365.1 (13) à (15) et (17) à (19) et 365.2 (8) de la *Loi de 2001 sur les municipalités*.

7. Déduire 62 pour cent du total des sommes éventuelles que le conseil verse à l'égard de l'année civile 2004 en application des paragraphes 361 (7), 364 (11), 365 (3), 365.1 (13) à (15) et (17) à (19) et 365.2 (8) de la *Loi de 2001 sur les municipalités*.

(4) Les sommes éventuelles que le ministre verse au conseil à l'égard de l'année civile 2003 en application de l'article 257.10.1 ou 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 2003 en application d'une disposition de la Loi visée à la sous-disposition 1 i du paragraphe (3).

(5) Les sommes éventuelles que le ministre verse au conseil à l'égard de l'année civile 2004 en application de l'article 257.10.1 ou 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 2004 en application d'une disposition de la Loi visée à la sous-disposition 1 ii du paragraphe (3).

(6) La disposition 2 du paragraphe (3) ne doit pas être interprétée de façon à empêcher l'inclusion, dans les dépenses approuvées du conseil, des frais de perception des impôts dans un territoire non érigé en municipalité qu'il a engagés si ces frais sont supérieurs à la somme déduite en application de cette disposition.

(7) Le conseil isolé dont les dépenses approuvées sont supérieures à ses recettes fiscales de 2003-2004 reçoit une subvention égale à cet excédent.

47. (1) Le conseil créé en vertu de l'article 68 reçoit une subvention calculée de la manière suivante :

1. Prendre les dépenses du conseil pour l'exercice que le ministre juge acceptables aux fins des subventions, à l'exclusion de ce qui suit :
 - i. les dépenses liées au service de la dette,
 - ii. les dépenses liées à l'acquisition d'immobilisations,
 - iii. les dépenses liées à la restauration d'immobilisations détruites ou endommagées,
 - iv. les provisions pour réserves pour fonds de roulement et celles pour fonds de réserve.
2. Déduire les recettes de l'exercice du conseil, à l'exclusion des recettes provenant de ce qui suit :
 - i. les subventions générales,
 - ii. un organisme sur le bien duquel se trouve une école du conseil,
 - iii. les remboursements de dépenses du genre visé à la sous-disposition 1 i, ii ou iii.

(2) Le paragraphe (3) s'applique si, selon le cas :

- a) un conseil créé en vertu de l'article 68 engage des dépenses pour acheter du matériel spécial, conformément à la publication du ministère intitulée «Allocation d'aide spécialisée (AAS) — Lignes directrices à l'intention des conseils scolaires, Printemps 2001» pour un élève d'un conseil créé en vertu de l'article 68 qui s'inscrit, pendant l'exercice, à une école qui relève d'un conseil scolaire de district ou d'un autre conseil créé en vertu de l'article 68;
- b) une demande de matériel spécial à l'égard d'un élève d'un conseil créé en vertu de l'article 68 a été approuvée et l'élève s'inscrit, pendant l'exercice 2002-2003, à une école qui relève d'un autre conseil créé en vertu de l'article 68.

(3) Le matériel spécial visé au paragraphe (2) suit l'élève au nouveau conseil, sauf si ce dernier est d'avis qu'il n'est pas pratique de le déménager.

PARTIE IV PAIEMENTS FAITS À DES ADMINISTRATIONS RESPONSABLES

Définitions

48. Les définitions qui suivent s'appliquent à la présente partie.

«établissement de la Couronne» Établissement que fait fonctionner un ministère du gouvernement du Canada, une société d'État fédérale, la Gendarmerie royale du Canada ou Énergie atomique du Canada limitée sur des biens-fonds que détient la Couronne du chef du Canada et qui ne peuvent faire l'objet d'une évaluation aux fins scolaires. S'entend en outre des réserves au sens de la *Loi sur les Indiens* (Canada). («Crown establishment»)

«réserve» Réserve au sens de la *Loi sur les Indiens* (Canada). («reserve»)

Élève non résident du territoire de compétence du conseil

49. (1) Le présent article s'applique à l'élève qui n'est pas résident d'un établissement de la Couronne, qui réside dans un district territorial, sur un bien-fonds qui n'est pas situé dans le territoire de compétence d'un conseil, et qui fréquente une école du Manitoba ou du Québec soutenue par des impôts locaux.

(2) Le ministre verse à l'administration responsable de l'école que fréquente l'élève la somme convenue d'un commun accord.

Élève résident du territoire de compétence du conseil

50. (1) Le présent article s'applique si les conditions suivantes sont réunies :

- a) l'élève qui réside dans un district territorial réside dans le territoire de compétence d'un conseil ou est résident d'un établissement de la Couronne et il fréquente une école élémentaire du Manitoba ou du Québec soutenue par des impôts locaux;
- b) le ministre est d'avis que :
 - (i) d'une part, le transport quotidien de l'élève entre sa résidence et l'école élémentaire située en Ontario qu'il fréquenterait par ailleurs est impossible en raison de la distance ou de la topographie,
 - (ii) d'autre part, la fourniture de nourriture, de logement et de transport hebdomadaire à l'élève est impossible en raison de son âge ou de son invalidité.

(2) Le ministre verse à l'administration responsable de l'école élémentaire que fréquente l'élève la somme convenue d'un commun accord.

Élève fréquentant une école d'une réserve

51. (1) Le présent article s'applique si l'élève qui réside dans un district territorial réunit les conditions suivantes :

- a) il ne réside pas dans le territoire de compétence d'un conseil et n'est pas résident d'un établissement de la Couronne;
- b) il fréquente une école d'une réserve qui relève :
 - (i) soit de la Couronne du chef du Canada,
 - (ii) soit d'une bande, du conseil d'une bande ou d'une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens.

(2) Le ministre verse à l'administration responsable de l'école que fréquente l'élève la somme convenue d'un commun accord.

Sommes payables au conseil : fréquentation de l'école par les enfants indiens

52. (1) Le présent article s'applique à l'égard du conseil qui a présenté au ministre, en application de l'article 185 de la Loi, des dispositions en vue de l'admission, à une école élémentaire pour enfants indiens, d'une ou de plusieurs personnes qui remplissent les conditions d'élèves résidents du conseil.

(2) Sous réserve du paragraphe (3), le ministre verse au conseil, pour chaque personne à laquelle s'appliquent les dispositions, une somme égale à ce qu'il en coûte par élève de l'élémentaire pour l'exercice 2003-2004 à l'école où l'enfant est admis aux termes des dispositions.

(3) La somme que verse le ministre en application du paragraphe (2) ne doit pas dépasser le montant des droits que le conseil imposerait aux élèves de l'élémentaire en application de l'article 3 du règlement sur les droits de 2003-2004.

TABLE/TABLEAU 1

ESL/ESD GRANT/SUBVENTION ESL/ESD

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
1.	District School Board Ontario North East	16,422
2.	Algoma District School Board	9,996
3.	Rainbow District School Board	21,498
4.	Near North District School Board	12,105
5.	Keewatin-Patricia District School Board	10,693
6.	Rainy River District School Board	3,977
7.	Lakehead District School Board	43,105
8.	Superior-Greenstone District School Board	676
9.	Bluewater District School Board	73,434
10.	Avon Maitland District School Board	106,851
11.	Greater Essex County District School Board	362,576
12.	Lambton Kent District School Board	92,194
13.	Thames Valley District School Board	655,460
14.	Toronto District School Board	7,941,306
15.	Durham District School Board	236,257
16.	Kawartha Pine Ridge District School Board	35,242
17.	Trillium Lakelands District School Board	0
18.	York Region District School Board	1,007,188
19.	Simcoe County District School Board	71,586
20.	Upper Grand District School Board	233,198
21.	Peel District School Board	1,803,969
22.	Halton District School Board	195,717
23.	Hamilton-Wentworth District School Board	547,099
24.	District School Board of Niagara	170,661
25.	Grand Erie District School Board	116,408
26.	Waterloo Region District School Board	721,382
27.	Ottawa-Carleton District School Board	846,475
28.	Upper Canada District School Board	27,634
29.	Limestone District School Board	65,632
30.	Renfrew County District School Board	13,154
31.	Hastings and Prince Edward District School Board	32,404
32.	Northeastern Catholic District School Board	4,589

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Somme \$
33.	Nipissing-Parry Sound Catholic District School Board	4,764
34.	Huron-Superior Catholic District School Board	8,401
35.	Sudbury Catholic District School Board	10,066
36.	Northwest Catholic District School Board	2,370
37.	Kenora Catholic District School Board	204
38.	Thunder Bay Catholic District School Board	21,950
39.	Superior North Catholic District School Board	0
40.	Bruce-Grey Catholic District School Board	5,271
41.	Huron Perth Catholic District School Board	13,007
42.	Windsor-Essex Catholic District School Board	247,930
43.	English-language Separate District School Board No. 38	199,726
44.	St. Clair Catholic District School Board	32,850
45.	Toronto Catholic District School Board	3,369,879
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	15,259
47.	York Catholic District School Board	568,890
48.	Dufferin-Peel Catholic District School Board	1,423,619
49.	Simcoe Muskoka Catholic District School Board	38,558
50.	Durham Catholic District School Board	109,118
51.	Halton Catholic District School Board	136,412
52.	Hamilton-Wentworth Catholic District School Board	306,749
53.	Wellington Catholic District School Board	46,017
54.	Waterloo Catholic District School Board	291,161
55.	Niagara Catholic District School Board	82,837
56.	Brant Haldimand Norfolk Catholic District School Board	37,593
57.	Catholic District School Board of Eastern Ontario	14,721
58.	Ottawa-Carleton Catholic District School Board	396,936
59.	Renfrew County Catholic District School Board	5,349
60.	Algonquin and Lakeshore Catholic District School Board	32,207

TABLE/TABLEAU 2

ASSIMILATION FACTORS FOR ALF FUNDING/FACTEURS D'ASSIMILATION
POUR LE FINANCEMENT DES PROGRAMMES D'ALF

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	French Language Board/ Conseil de langue française	English Language Coterminous Board/ Conseil de langue anglaise coïncident	Assimilation Factor/ Facteur d'assimilation
1.	Conseil scolaire de district du Nord-Est de l'Ontario	District School Board Ontario North East	1.0
2.	Conseil scolaire de district du Nord-Est de l'Ontario	Near North District School Board	1.0
3.	Conseil scolaire de district du Nord-Est de l'Ontario	Trillium Lakelands District School Board	1.5
4.	Conseil scolaire de district du Grand Nord de l'Ontario	Algoma District School Board	1.5
5.	Conseil scolaire de district du Grand Nord de l'Ontario	Rainbow District School Board	1.0
6.	Conseil scolaire de district du Grand Nord de l'Ontario	Keewatin-Patricia District School Board	1.5
7.	Conseil scolaire de district du Grand Nord de l'Ontario	Rainy River District School Board	1.5
8.	Conseil scolaire de district du Grand Nord de l'Ontario	Lakehead District School Board	1.5
9.	Conseil scolaire de district du Grand Nord de l'Ontario	Superior-Greenstone District School Board	1.5
10.	Conseil scolaire de district du Centre Sud-Ouest	Bluewater District School Board	1.5

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	French Language Board/ Conseil de langue française	English Language Coterminous Board/ Conseil de langue anglaise coïncident	Assimilation Factor/ Facteur d'assimilation
11.	Conseil scolaire de district du Centre Sud-Ouest	Avon Maitland District School Board	1.5
12.	Conseil scolaire de district du Centre Sud-Ouest	Greater Essex County District School Board	1.5
13.	Conseil scolaire de district du Centre Sud-Ouest	Lambton Kent District School Board	1.5
14.	Conseil scolaire de district du Centre Sud-Ouest	Thames Valley District School Board	1.5
15.	Conseil scolaire de district du Centre Sud-Ouest	Toronto District School Board	1.5
16.	Conseil scolaire de district du Centre Sud-Ouest	Durham District School Board	1.5
17.	Conseil scolaire de district du Centre Sud-Ouest	Kawartha Pine Ridge District School Board	1.5
18.	Conseil scolaire de district du Centre Sud-Ouest	Trillium Lakelands District School Board	1.5
19.	Conseil scolaire de district du Centre Sud-Ouest	York Region District School Board	1.5
20.	Conseil scolaire de district du Centre Sud-Ouest	Simcoe County District School Board	1.5
21.	Conseil scolaire de district du Centre Sud-Ouest	Upper Grand District School Board	1.5
22.	Conseil scolaire de district du Centre Sud-Ouest	Peel District School Board	1.5
23.	Conseil scolaire de district du Centre Sud-Ouest	Halton District School Board	1.5
24.	Conseil scolaire de district du Centre Sud-Ouest	Hamilton-Wentworth District School Board	1.5
25.	Conseil scolaire de district du Centre Sud-Ouest	District School Board of Niagara	1.5
26.	Conseil scolaire de district du Centre Sud-Ouest	Grand Erie District School Board	1.5
27.	Conseil scolaire de district du Centre Sud-Ouest	Waterloo Region District School Board	1.5
28.	Conseil de district des écoles publiques de langue française n° 59	Ottawa-Carleton District School Board	1.0
29.	Conseil de district des écoles publiques de langue française n° 59	Upper Canada District School Board	1.0
30.	Conseil de district des écoles publiques de langue française n° 59	Limestone District School Board	1.5
31.	Conseil de district des écoles publiques de langue française n° 59	Renfrew County District School Board	1.5
32.	Conseil de district des écoles publiques de langue française n° 59	Hastings and Prince Edward District School Board	1.5
33.	Conseil scolaire de district catholique des Grandes Rivières	Northeastern Catholic District School Board	1.0
34.	Conseil scolaire de district catholique Franco-Nord	Nipissing-Parry Sound Catholic District School Board	1.0
35.	Conseil scolaire de district catholique Centre-Sud	Simcoe Muskoka Catholic District School Board	1.5
36.	Conseil scolaire de district catholique du Nouvel-Ontario	Sudbury Catholic District School Board	1.0
37.	Conseil scolaire de district catholique du Nouvel-Ontario	Huron-Superior Catholic District School Board	1.5
38.	Conseil scolaire de district catholique des Aurores boréales	Northwest Catholic District School Board	1.5
39.	Conseil scolaire de district catholique des Aurores boréales	Kenora Catholic District School Board	1.5
40.	Conseil scolaire de district catholique des Aurores boréales	Thunder Bay Catholic District School Board	1.5
41.	Conseil scolaire de district catholique des Aurores boréales	Superior North Catholic District School Board	1.5

ITEM/ POINT	COLUMN/ COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	French Language Board/ Conseil de langue française	English Language Coterminous Board/ Conseil de langue anglaise coïncident	Assimilation Factor/ Facteur d'assimilation
42.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Bruce-Grey Catholic District School Board	1.5
43.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Huron Perth Catholic District School Board	1.5
44.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Windsor-Essex Catholic District School Board	1.5
45.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	St. Clair Catholic District School Board	1.5
46.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	English-language Separate District School Board No. 38	1.5
47.	Conseil scolaire de district catholique Centre-Sud	Toronto Catholic District School Board	1.5
48.	Conseil scolaire de district catholique Centre-Sud	Durham Catholic District School Board	1.5
49.	Conseil scolaire de district catholique Centre-Sud	Peterborough Victoria Northumberland and Clarington Catholic District School Board	1.5
50.	Conseil scolaire de district catholique Centre-Sud	York Catholic District School Board	1.5
51.	Conseil scolaire de district catholique Centre-Sud	Wellington Catholic District School Board	1.5
52.	Conseil scolaire de district catholique Centre-Sud	Dufferin-Peel Catholic District School Board	1.5
53.	Conseil scolaire de district catholique Centre-Sud	Halton Catholic District School Board	1.5
54.	Conseil scolaire de district catholique Centre-Sud	Hamilton-Wentworth Catholic District School Board	1.5
55.	Conseil scolaire de district catholique Centre-Sud	Niagara Catholic District School Board	1.5
56.	Conseil scolaire de district catholique Centre-Sud	Brant Haldimand Norfolk Catholic District School Board	1.5
57.	Conseil scolaire de district catholique Centre-Sud	Waterloo Catholic District School Board	1.5
58.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Ottawa-Carleton Catholic District School Board	1.0
59.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Catholic District School Board of Eastern Ontario	1.5
60.	Conseil scolaire de district catholique de l'Est ontarien	Catholic District School Board of Eastern Ontario	1.0
61.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Algonquin and Lakeshore Catholic District School Board	1.5
62.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Renfrew County Catholic District School Board	1.5

TABLE/TABLEAU 3

REMOTE AND RURAL ALLOCATION/
ÉLÉMENT CONSEILS RURAUX ET ÉLOIGNÉS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4
	Name of Board/Nom du conseil	Distance/ Distance	Urban Factor/ Facteur urbain	Dispersion Distance in kilometres/ Dispersion Distance en kilomètres
1.	District School Board Ontario North East	680 km	0.946	47.28
2.	Algoma District School Board	790 km	0.809	38.63
3.	Rainbow District School Board	455 km	0.821	21.21
4.	Near North District School Board	332 km	0.913	25.73
5.	Keewatin-Patricia District School Board	1801 km	1.000	60.12
6.	Rainy River District School Board	1630 km	1.000	40.15
7.	Lakehead District School Board	1375 km	0.549	5.77

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4
	Name of Board/Nom du conseil	Distance/ Distance	Urban Factor/ Facteur urbain	Dispersion Distance in kilometres/ Dispersion Distance en kilomètres
8.	Superior-Greystone District School Board	1440 km	1.000	71.69
9.	Bluewater District School Board	177 km	1.000	21.55
10.	Avon Maitland District School Board	< 151 km	1.000	16.38
11.	Greater Essex County District School Board	< 151 km	1.000	8.32
12.	Lambton Kent District School Board	< 151 km	1.000	16.28
13.	Thames Valley District School Board	< 151 km	1.000	9.39
14.	Toronto District School Board	< 151 km	1.000	3.78
15.	Durham District School Board	< 151 km	1.000	5.98
16.	Kawartha Pine Ridge District School Board	161 km	0.942	14.94
17.	Trillium Lakelands District School Board	253 km	1.000	27.79
18.	York Region District School Board	< 151 km	1.000	6.52
19.	Simcoe County District School Board	< 151 km	1.000	11.30
20.	Upper Grand District School Board	< 151 km	1.000	10.65
21.	Peel District School Board	< 151 km	1.000	4.54
22.	Halton District School Board	< 151 km	1.000	5.59
23.	Hamilton-Wentworth District School Board	< 151 km	1.000	3.79
24.	District School Board of Niagara	< 151 km	1.000	6.49
25.	Grand Erie District School Board	< 151 km	1.000	10.07
26.	Waterloo Region District School Board	< 151 km	1.000	4.96
27.	Ottawa-Carleton District School Board	< 151 km	1.000	6.11
28.	Upper Canada District School Board	< 151 km	1.000	22.40
29.	Limestone District School Board	235 km	0.717	12.74
30.	Renfrew County District School Board	< 151 km	1.000	21.03
31.	Hastings and Prince Edward District School Board	251 km	0.971	15.17
32.	Northeastern Catholic District School Board	680 km	0.946	71.27
33.	Nipissing-Parry Sound Catholic District School Board	332 km	0.913	19.07
34.	Huron-Superior Catholic District School Board	790 km	0.777	48.56
35.	Sudbury Catholic District School Board	390 km	0.780	15.88
36.	Northwest Catholic District School Board	1715 km	1.000	133.32
37.	Kenora Catholic District School Board	1855 km	1.000	3.62
38.	Thunder Bay Catholic District School Board	1375 km	0.501	3.64
39.	Superior North Catholic District School Board	1440 km	1.000	97.06
40.	Bruce-Grey Catholic District School Board	177 km	1.000	22.57
41.	Huron Perth Catholic District School Board	< 151 km	1.000	19.38
42.	Windsor-Essex Catholic District School Board	< 151 km	1.000	7.73
43.	English-language Separate District School Board No. 38	< 151 km	1.000	11.83
44.	St. Clair Catholic District School Board	< 151 km	1.000	20.81
45.	Toronto Catholic District School Board	< 151 km	1.000	4.47
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	161 km	0.942	15.91
47.	York Catholic District School Board	< 151 km	1.000	7.80
48.	Dufferin-Peel Catholic District School Board	< 151 km	1.000	4.96
49.	Simcoe Muskoka Catholic District School Board	< 151 km	1.000	17.09
50.	Durham Catholic District School Board	< 151 km	1.000	7.23
51.	Halton Catholic District School Board	< 151 km	1.000	7.35
52.	Hamilton-Wentworth Catholic District School Board	< 151 km	1.000	4.04
53.	Wellington Catholic District School Board	< 151 km	1.000	11.37
54.	Waterloo Catholic District School Board	< 151 km	1.000	6.27
55.	Niagara Catholic District School Board	< 151 km	1.000	8.50
56.	Brant Haldimand Norfolk Catholic District School Board	< 151 km	1.000	13.91

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4
	Name of Board/Nom du conseil	Distance/ Distance	Urban Factor/ Facteur urbain	Dispersion Distance in kilometres/ Dispersion Distance en kilomètres
57.	Catholic District School Board of Eastern Ontario	< 151 km	1.000	24.49
58.	Ottawa-Carleton Catholic District School Board	< 151 km	1.000	6.69
59.	Renfrew County Catholic District School Board	< 151 km	1.000	25.91
60.	Algonquin and Lakeshore Catholic District School Board	277 km	0.986	24.63
61.	Conseil scolaire de district du Nord-Est de l'Ontario	634 km	0.939	149.20
62.	Conseil scolaire de district du Grand Nord de l'Ontario	1191 km	0.8620	140.63
63.	Conseil scolaire de district du Centre Sud-Ouest	< 151 km	1.000	47.17
64.	Conseil de district des écoles publiques de langue française n° 59	< 151 km	1.000	38.75
65.	Conseil scolaire de district catholique des Grandes Rivières	680 km	0.952	49.76
66.	Conseil scolaire de district catholique Franco-Nord	332 km	0.933	23.94
67.	Conseil scolaire de district catholique du Nouvel-Ontario	790 km	0.879	45.27
68.	Conseil scolaire de district catholique des Aurores boréales	1745 km	0.727	207.39
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	< 151 km	1.000	29.78
70.	Conseil scolaire de district catholique Centre-Sud	< 151 km	1.000	37.27
71.	Conseil scolaire de district catholique de l'Est ontarien	< 151 km	1.000	17.32
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	< 151 km	1.000	23.39

TABLE/TABLEAU 4

LEARNING OPPORTUNITIES/
PROGRAMMES D'AIDE À L'APPRENTISSAGE

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
1.	District School Board Ontario North East	1,665,133	0.0043
2.	Algoma District School Board	2,578,240	0.0097
3.	Rainbow District School Board	2,067,038	0.0084
4.	Near North District School Board	2,102,608	0.0071
5.	Keewatin-Patricia District School Board	970,602	0.0028
6.	Rainy River District School Board	551,587	0.0026
7.	Lakehead District School Board	2,164,021	0.0065
8.	Superior-Greenstone District School Board	593,642	0.0012
9.	Bluewater District School Board	875,943	0.0045
10.	Avon Maitland District School Board	1,029,035	0.0030
11.	Greater Essex County District School Board	4,232,660	0.0151
12.	Lambton Kent District School Board	1,410,418	0.0077
13.	Thames Valley District School Board	7,013,817	0.0246
14.	Toronto District School Board	63,774,877	0.3807

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
15.	Durham District School Board	2,259,153	0.0087
16.	Kawartha Pine Ridge District School Board	1,686,143	0.0093
17.	Trillium Lakelands District School Board	439,195	0.0045
18.	York Region District School Board	3,462,736	0.0182
19.	Simcoe County District School Board	1,315,058	0.0084
20.	Upper Grand District School Board	1,041,107	0.0030
21.	Peel District School Board	6,969,628	0.0333
22.	Halton District School Board	621,845	0.0008
23.	Hamilton-Wentworth District School Board	7,960,611	0.0419
24.	District School Board of Niagara	3,649,111	0.0143
25.	Grand Erie District School Board	2,673,174	0.0097
26.	Waterloo Region District School Board	4,158,157	0.0138
27.	Ottawa-Carleton District School Board	7,825,188	0.0413
28.	Upper Canada District School Board	1,307,271	0.0065
29.	Limestone District School Board	1,838,447	0.0068
30.	Renfrew County District School Board	735,197	0.0032
31.	Hastings and Prince Edward District School Board	1,716,080	0.0120
32.	Northeastern Catholic District School Board	572,567	0.0013
33.	Nipissing-Parry Sound Catholic District School Board	523,699	0.0020
34.	Huron-Superior Catholic District School Board	1,325,779	0.0041
35.	Sudbury Catholic District School Board	1,084,871	0.0039
36.	Northwest Catholic District School Board	140,458	0.0005
37.	Kenora Catholic District School Board	117,628	0.0005
38.	Thunder Bay Catholic District School Board	1,089,273	0.0033
39.	Superior North Catholic District School Board	188,343	0.0004
40.	Bruce-Grey Catholic District School Board	176,741	0.0007
41.	Huron Perth Catholic District School Board	148,435	0.0004
42.	Windsor-Essex Catholic District School Board	3,040,952	0.0089
43.	English-language Separate District School Board No. 38	3,531,690	0.0035
44.	St. Clair Catholic District School Board	626,650	0.0022
45.	Toronto Catholic District School Board	27,559,982	0.1261
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	605,253	0.0018
47.	York Catholic District School Board	2,154,813	0.0093
48.	Dufferin-Peel Catholic District School Board	5,452,124	0.0204
49.	Simcoe Muskoka Catholic District School Board	439,713	0.0027
50.	Durham Catholic District School Board	797,380	0.0010
51.	Halton Catholic District School Board	304,737	0.0008
52.	Hamilton-Wentworth Catholic District School Board	3,774,434	0.0134
53.	Wellington Catholic District School Board	301,937	0.0008
54.	Waterloo Catholic District School Board	1,905,717	0.0041
55.	Niagara Catholic District School Board	1,709,469	0.0049
56.	Brant Haldimand Norfolk Catholic District School Board	878,744	0.0028
57.	Catholic District School Board of Eastern Ontario	787,535	0.0025
58.	Ottawa-Carleton Catholic District School Board	3,777,275	0.0177
59.	Renfrew County Catholic District School Board	520,588	0.0024
60.	Algonquin and Lakeshore Catholic District School Board	1,154,494	0.0028
61.	Conseil scolaire de district du Nord-Est de l'Ontario	227,350	0.0010
62.	Conseil scolaire de district du Grand Nord de l'Ontario	239,335	0.0010
63.	Conseil scolaire de district du Centre Sud-Ouest	762,259	0.0038
64.	Conseil de district des écoles publiques de langue française n° 59	841,809	0.0059
65.	Conseil scolaire de district catholique des Grandes Rivières	1,607,436	0.0054
66.	Conseil scolaire de district catholique Franco-Nord	736,258	0.0020
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1,540,679	0.0042
68.	Conseil scolaire de district catholique des Aurores boréales	226,980	0.0003
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	426,740	0.0012

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
70.	Conseil scolaire de district catholique Centre-Sud	1,060,239	0.0036
71.	Conseil scolaire de district catholique de l'Est ontarien	1,355,886	0.0040
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	1,563,803	0.0089

TABLE/TABLEAU 5

TEACHER QUALIFICATION AND EXPERIENCE/
COMPÉTENCE ET EXPÉRIENCE DES ENSEIGNANTS

Full years of teaching experience/ Années complètes d'expérience en enseignement	Qualification Categories/Catégories de qualification						
	D	C	B	A1/group 1 A1/groupe 1	A2/group 2 A2/groupe 2	A3/group 3 A3/groupe 3	A4/group 4 A4/groupe 4
0	0.5788	0.5788	0.5788	0.6229	0.6487	0.7081	0.7449
1	0.6127	0.6127	0.6127	0.6540	0.6864	0.7502	0.7926
2	0.6332	0.6332	0.6332	0.6989	0.7318	0.7969	0.8432
3	0.6523	0.6523	0.6523	0.7416	0.7743	0.8442	0.8925
4	0.7149	0.7149	0.7149	0.7814	0.8158	0.8953	0.9443
5	0.7698	0.7698	0.7698	0.8234	0.8606	0.9435	0.9975
6	0.8225	0.8225	0.8225	0.8655	0.9042	0.9866	1.0473
7	0.8694	0.8694	0.8694	0.9073	0.9472	1.0363	1.0997
8	0.8900	0.8900	0.8900	0.9485	0.9876	1.0860	1.1512
9	0.9154	0.9154	0.9154	1.0025	1.0411	1.1534	1.2026
10	0.9667	0.9667	0.9667	1.0451	1.0989	1.2136	1.2949

TABLE/TABLEAU 6

PERCENTAGE OF TOTAL AREA OF ELEMENTARY AND SECONDARY SCHOOLS
LESS THAN 20 YEARS OLD OR 20 YEARS OR OLDER /
POURCENTAGE DE LA SUPERFICIE TOTALE DES ÉCOLES ÉLÉMENTAIRES ET SECONDAIRES
QUI DATENT DE MOINS DE 20 ANS OU DE 20 ANS OU PLUS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	% of Total Area of Elementary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles élémentaires qui datent de moins de 20 ans	% of Total Area of Elementary Schools that are 20 Years or Older/ % de la superficie totale des écoles élémentaires qui datent de 20 ans ou plus	% of Total Area of Secondary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles secondaires qui datent de moins de 20 ans	% of Total Area of Secondary Schools that are 20 Years or Older/ % de la superficie totale des écoles secondaires qui datent de 20 ans ou plus
1.	Algoma District School Board	3.85%	96.15%	0.00%	100.00%
2.	Algonquin and Lakeshore Catholic District School Board	14.50%	85.50%	57.79%	42.21%
3.	Avon Maitland District School Board	5.97%	94.03%	0.00%	100.00%
4.	Bluewater District School Board	5.84%	94.16%	11.49%	88.51%

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	% of Total Area of Elementary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles élémentaires qui datent de moins de 20 ans	% of Total Area of Elementary Schools that are 20 Years or Older/ % de la superficie totale des écoles élémentaires qui datent de 20 ans ou plus	% of Total Area of Secondary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles secondaires qui datent de moins de 20 ans	% of Total Area of Secondary Schools that are 20 Years or Older/ % de la superficie totale des écoles secondaires qui datent de 20 ans ou plus
5.	Brant Haldimand Norfolk Catholic District School Board	14.06%	85.94%	50.00%	50.00%
6.	Bruce-Grey Catholic District School Board	27.36%	72.64%	0.00%	100.00%
7.	Conseil de district des écoles publiques de langue française n° 59	39.90%	60.10%	14.24%	85.76%
8.	Conseil scolaire de district catholique Centre-Sud	48.01%	51.99%	46.63%	53.37%
9.	Conseil scolaire de district catholique de l'Est ontarien	10.89%	89.11%	0.00%	100.00%
10.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	31.06%	68.94%	14.33%	85.67%
11.	Conseil scolaire de district catholique des Grandes Rivières	0.00%	100.00%	0.93%	99.07%
12.	Conseil scolaire de district catholique du Nouvel-Ontario	3.52%	96.48%	0.00%	100.00%
13.	Conseil scolaire de district du Nord-Est de l'Ontario	0.00%	100.00%	0.00%	100.00%
14.	Conseil scolaire de district catholique des Aurores boréales	0.00%	100.00%	0.00%	100.00%
15.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	19.03%	80.97%	26.73%	73.27%
16.	Conseil scolaire de district du Grand Nord de l'Ontario	12.95%	87.05%	8.22%	91.78%
17.	Conseil scolaire de district catholique Franco-Nord	0.00%	100.00%	0.00%	100.00%
18.	Conseil scolaire de district du Centre Sud-Ouest	8.12%	91.88%	7.00%	93.00%
19.	District School Board Ontario North East	5.71%	94.29%	0.00%	100.00%
20.	District School Board of Niagara	4.96%	95.04%	0.71%	99.29%
21.	Dufferin Peel Catholic District School Board	56.10%	43.90%	74.75%	25.25%
22.	Durham District School Board	39.36%	60.64%	15.07%	84.93%
23.	Durham Catholic District School Board	55.92%	44.08%	77.52%	22.48%
24.	Eastern Ontario Catholic District School Board	27.22%	72.78%	80.15%	19.85%
25.	English-language Separate District School Board No. 38	9.38%	90.62%	64.35%	35.65%
26.	Grand Erie District School Board	5.20%	94.80%	6.33%	93.67%
27.	Greater Essex County District School Board	4.96%	95.04%	0.00%	100.00%
28.	Halton Catholic District School Board	38.04%	61.96%	57.50%	42.50%
29.	Halton District School Board	14.37%	85.63%	13.40%	86.60%
30.	Hamilton-Wentworth Catholic District School Board	17.77%	82.23%	67.39%	32.61%
31.	Hamilton-Wentworth District School Board	7.76%	92.24%	9.08%	90.92%
32.	Hastings and Prince Edward District School Board	3.10%	96.90%	0.00%	100.00%
33.	Huron-Perth Catholic District School Board	0.00%	100.00%	100.00%	0.00%
34.	Huron-Superior Catholic District School Board	0.00%	100.00%	0.00%	100.00%
35.	Kawartha Pine Ridge District School Board	17.29%	82.71%	0.00%	100.00%
36.	Keewatin-Patricia District School Board	14.24%	85.76%	0.00%	100.00%
37.	Kenora Catholic District School Board	14.24%	85.76%	100.00%	0.00%
38.	Lakehead District School Board	3.57%	96.43%	0.00%	100.00%
39.	Lambton Kent District School Board	2.31%	97.69%	0.00%	100.00%

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	% of Total Area of Elementary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles élémentaires qui datent de moins de 20 ans	% of Total Area of Elementary Schools that are 20 Years or Older/ % de la superficie totale des écoles élémentaires qui datent de 20 ans ou plus	% of Total Area of Secondary Schools that are Less than 20 Years Old/ % de la superficie totale des écoles secondaires qui datent de moins de 20 ans	% of Total Area of Secondary Schools that are 20 Years or Older/ % de la superficie totale des écoles secondaires qui datent de 20 ans ou plus
40.	Limestone District School Board	5.13%	94.87%	0.33%	99.67%
41.	Near North District School Board	15.26%	84.74%	0.89%	99.11%
42.	Niagara Catholic District School Board	5.60%	94.40%	0.00%	100.00%
43.	Nipissing-Parry Sound Catholic District School Board	8.35%	91.65%	0.00%	100.00%
44.	Northeastern Catholic District School Board	6.35%	93.65%	0.00%	100.00%
45.	Northwest Catholic District School Board	32.66%	67.34%	0.00%	0.00%
46.	Ottawa-Carleton District School Board	19.51%	80.49%	7.42%	92.58%
47.	Ottawa-Carleton Catholic District School Board	26.08%	73.92%	28.35%	71.65%
48.	Peel District School Board	31.52%	68.48%	14.63%	85.37%
49.	Peterborough Victoria Northumberland & Clarington Catholic District School Board	40.72%	59.28%	100.00%	0.00%
50.	Rainbow District School Board	6.15%	93.85%	0.00%	100.00%
51.	Rainy River District School Board	7.46%	92.54%	0.00%	100.00%
52.	Renfrew County Catholic District School Board	0.00%	100.00%	36.32%	63.68%
53.	Renfrew County District School Board	6.41%	93.59%	0.00%	100.00%
54.	Simcoe County District School Board	20.09%	79.91%	0.00%	100.00%
55.	Simcoe Muskoka Catholic District School Board	64.54%	35.46%	100.00%	0.00%
56.	St. Clair Catholic District School Board	14.81%	85.19%	30.44%	69.56%
57.	Sudbury Catholic District School Board	0.00%	100.00%	26.36%	73.64%
58.	Superior North Catholic District School Board	10.53%	89.47%	0.00%	0.00%
59.	Superior-Greenstone District School Board	42.92%	57.08%	31.38%	68.62%
60.	Thames Valley District School Board	9.00%	91.00%	0.00%	100.00%
61.	Thunder Bay Catholic District School Board	6.83%	93.17%	0.00%	100.00%
62.	Toronto District School Board	7.98%	92.02%	2.07%	97.93%
63.	Toronto Catholic District School Board	10.50%	89.50%	19.59%	80.41%
64.	Trillium Lakelands District School Board	19.34%	80.66%	0.00%	100.00%
65.	Upper Grand District School Board	20.97%	79.03%	8.51%	91.49%
66.	Upper Canada District School Board	9.19%	90.81%	3.04%	96.96%
67.	Waterloo Region District School Board	20.08%	79.92%	5.03%	94.97%
68.	Waterloo Catholic District School Board	31.21%	68.79%	41.56%	58.44%
69.	Wellington Catholic District School Board	26.99%	73.01%	13.53%	86.47%
70.	Windsor-Essex Catholic District School Board	2.74%	97.26%	25.66%	74.34%
71.	York Catholic District School Board	65.29%	34.71%	85.24%	14.76%
72.	York Region District School Board	49.26%	50.74%	38.75%	61.25%

TABLE/TABLEAU 7

SCHOOL RENEWAL ENHANCEMENT AMOUNT/
AUGMENTATION AU TITRE DE LA RÉFECTION DES ÉCOLES

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
1.	District School Board Ontario North East	296,769
2.	Algoma District School Board	610,342

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
3.	Rainbow District School Board	424,825
4.	Near North District School Board	412,926
5.	Keewatin-Patricia District School Board	200,000
6.	Rainy River District School Board	200,000
7.	Lakehead District School Board	425,735
8.	Superior-Greenstone District School Board	200,000
9.	Bluewater District School Board	569,744
10.	Avon Maitland District School Board	613,151
11.	Greater Essex County District School Board	885,318
12.	Lambton Kent District School Board	720,778
13.	Thames Valley District School Board	937,238
14.	Toronto District School Board	4,724,847
15.	Durham District School Board	825,035
16.	Kawartha Pine Ridge District School Board	1,185,432
17.	Trillium Lakelands District School Board	229,255
18.	York Region District School Board	1,804,956
19.	Simcoe County District School Board	876,164
20.	Upper Grand District School Board	1,187,308
21.	Peel District School Board	1,934,039
22.	Halton District School Board	1,133,536
23.	Hamilton-Wentworth District School Board	1,480,155
24.	District School Board of Niagara	1,611,150
25.	Grand Erie District School Board	1,427,656
26.	Waterloo Region District School Board	1,262,811
27.	Ottawa-Carleton District School Board	2,744,424
28.	Upper Canada District School Board	2,055,456
29.	Limestone District School Board	784,094
30.	Renfrew County District School Board	673,097
31.	Hastings and Prince Edward District School Board	747,191
32.	Northeastern Catholic District School Board	200,000
33.	Nipissing-Parry Sound Catholic District School Board	200,000
34.	Huron-Superior Catholic District School Board	200,000
35.	Sudbury Catholic District School Board	200,000
36.	Northwest Catholic District School Board	200,000
37.	Kenora Catholic District School Board	200,000
38.	Thunder Bay Catholic District School Board	200,000
39.	Superior North Catholic District School Board	200,000
40.	Bruce-Grey Catholic District School Board	200,000
41.	Huron Perth Catholic District School Board	200,000
42.	Windsor-Essex Catholic District School Board	408,943
43.	English-language Separate District School Board No. 38	627,292
44.	St. Clair Catholic District School Board	200,000
45.	Toronto Catholic District School Board	3,519,937
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	200,000
47.	York Catholic District School Board	322,699
48.	Dufferin-Peel Catholic District School Board	730,538
49.	Simcoe Muskoka Catholic District School Board	221,824
50.	Durham Catholic District School Board	258,352
51.	Halton Catholic District School Board	200,000
52.	Hamilton-Wentworth Catholic District School Board	538,288
53.	Wellington Catholic District School Board	200,000
54.	Waterloo Catholic District School Board	564,787
55.	Niagara Catholic District School Board	717,296
56.	Brant Haldimand Norfolk Catholic District School Board	200,000
57.	Catholic District School Board of Eastern Ontario	206,455
58.	Ottawa-Carleton Catholic District School Board	855,428
59.	Renfrew County Catholic District School Board	200,000
60.	Algonquin and Lakeshore Catholic District School Board	316,877
61.	Conseil scolaire de district du Nord-Est de l'Ontario	200,000
62.	Conseil scolaire de district du Grand Nord de l'Ontario	200,000

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
63.	Conseil scolaire de district du Centre Sud-Ouest	445,205
64.	Conseil de district des écoles publiques de langue française n° 59	224,712
65.	Conseil scolaire de district catholique des Grandes Rivières	642,303
66.	Conseil scolaire de district catholique Franco-Nord	278,201
67.	Conseil scolaire de district catholique du Nouvel-Ontario	298,186
68.	Conseil scolaire de district catholique des Aurores boréales	200,000
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	210,185
70.	Conseil scolaire de district catholique Centre-Sud	230,648
71.	Conseil scolaire de district catholique de l'Est ontarien	688,004
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	654,625

TABLE/TABLEAU 8

CAPITAL TRANSITIONAL ADJUSTMENT/
REDRESSEMENT TEMPORAIRE DES IMMOBILISATIONS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	Municipality or Former municipality/ Municipalité ou ancienne municipalité	As that municipality or former municipality existed on/ Telle que cette municipalité ou ancienne municipalité existait le	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
1.	Conseil scolaire de district catholique Centre-Sud	Cambridge	September 1, 2003/ 1 ^{er} septembre 2003		600
2.	Conseil scolaire de district catholique Centre-Sud	York	September 1, 2003/ 1 ^{er} septembre 2003		700
3.	Conseil scolaire de district catholique de l'Est ontarien	North Glengarry	September 1, 2003/ 1 ^{er} septembre 2003	400	500
4.	Conseil scolaire de district catholique des Aurores boréales	Thunder Bay	September 1, 2003/ 1 ^{er} septembre 2003		540
5.	Conseil scolaire de district catholique des Grandes Rivières	Cochrane	September 1, 2003/ 1 ^{er} septembre 2003	300	500
6.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Carleton Place	September 1, 2003/ 1 ^{er} septembre 2003	300	
7.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	City of/ Cité de Trenton	December 31, 1997/ 31 décembre 1997	300	
8.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Ottawa	September 1, 2003/ 1 ^{er} septembre 2003		600
9.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Pembroke	September 1, 2003/ 1 ^{er} septembre 2003	500	500
10.	Conseil scolaire de district catholique du Nouvel-Ontario	Blind River	September 1, 2003/ 1 ^{er} septembre 2003		500
11.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Owen Sound	September 1, 2003/ 1 ^{er} septembre 2003	300	500
12.	Conseil de district des écoles publiques de langue française n° 59	City of / Cité de Cumberland	December 31, 2000/ 31 décembre 2000		700
13.	Conseil de district des écoles publiques de langue française n° 59	Town of Vankleek Hill	December 31, 1997/ 31 décembre 1997		500
14.	Conseil de district des écoles publiques de langue française n° 59	City of/ Cité d' Ottawa	December 31, 2000/ 31 décembre 2000		500
15.	Conseil scolaire de district du Centre Sud-Ouest	Brampton	September 1, 2003/ 1 ^{er} septembre 2003	450	
16.	Conseil scolaire de district du Centre Sud-Ouest	Peel	September 1, 2003/ 1 ^{er} septembre 2003		700
17.	Conseil scolaire de district du Centre Sud-Ouest	Windsor	September 1, 2003/ 1 ^{er} septembre 2003		300

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	Municipality or Former municipality/ Municipalité ou ancienne municipalité	As that municipality or former municipality existed on/ Telle que cette municipalité ou ancienne municipalité existait le	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
18.	Conseil scolaire de district du Grand Nord de l'Ontario	Marathon or Manitouwadge	September 1, 2003/ 1 ^{er} septembre 2003	25	100
19.	Conseil scolaire de district du Nord-Est de l'Ontario	Timmins	September 1, 2003/ 1 ^{er} septembre 2003		502
20.	Conseil scolaire de district du Nord-Est de l'Ontario	North Bay	September 1, 2003/ 1 ^{er} septembre 2003		500
21.	Sudbury Catholic District School Board	Greater Sudbury/ Grand Sudbury	September 1, 2003/ 1 ^{er} septembre 2003		500

TABLE/TABLEAU 9

GEOGRAPHIC ADJUSTMENT FACTORS FOR NEW PUPIL PLACES/
FACTEURS DE REDRESSEMENT GÉOGRAPHIQUE POUR LES NOUVELLES PLACES

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Geographic Adjustment Factor/ Facteur de redressement géographique
1.	District School Board Ontario North East	1.120
2.	Algoma District School Board	1.106
3.	Rainbow District School Board	1.063
4.	Near North District School Board	1.042
5.	Keewatin-Patricia District School Board	1.144
6.	Rainy River District School Board	1.142
7.	Lakehead District School Board	1.080
8.	Superior-Greenstone District School Board	1.141
9.	Bluewater District School Board	1.007
10.	Avon Maitland District School Board	1.010
11.	Greater Essex County District School Board	1.000
12.	Lambton Kent District School Board	1.000
13.	Thames Valley District School Board	1.000
14.	Toronto District School Board	1.000
15.	Durham District School Board	1.000
16.	Kawartha Pine Ridge District School Board	1.003
17.	Trillium Lakelands District School Board	1.026
18.	York Region District School Board	1.000
19.	Simcoe County District School Board	1.000
20.	Upper Grand District School Board	1.000
21.	Peel District School Board	1.000
22.	Halton District School Board	1.000
23.	Hamilton-Wentworth District School Board	1.000
24.	District School Board of Niagara	1.000
25.	Grand Erie District School Board	1.000
26.	Waterloo Region District School Board	1.000
27.	Ottawa-Carleton District School Board	1.000
28.	Upper Canada District School Board	1.000
29.	Limestone District School Board	1.015
30.	Renfrew County District School Board	1.000
31.	Hastings and Prince Edward District School Board	1.025
32.	Northeastern Catholic District School Board	1.123
33.	Nipissing-Parry Sound Catholic District School Board	1.042
34.	Huron-Superior Catholic District School Board	1.104
35.	Sudbury Catholic District School Board	1.048
36.	Northwest Catholic District School Board	1.149

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Geographic Adjustment Factor/ Facteur de redressement géographique
37.	Kenora Catholic District School Board	1.143
38.	Thunder Bay Catholic District School Board	1.074
39.	Superior North Catholic District School Board	1.146
40.	Bruce-Grey Catholic District School Board	1.007
41.	Huron Perth Catholic District School Board	1.011
42.	Windsor-Essex Catholic District School Board	1.000
43.	English-language Separate District School Board No. 38	1.000
44.	St. Clair Catholic District School Board	1.000
45.	Toronto Catholic District School Board	1.000
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	1.003
47.	York Catholic District School Board	1.000
48.	Dufferin-Peel Catholic District School Board	1.000
49.	Simcoe Muskoka Catholic District School Board	1.000
50.	Durham Catholic District School Board	1.000
51.	Halton Catholic District School Board	1.000
52.	Hamilton-Wentworth Catholic District School Board	1.000
53.	Wellington Catholic District School Board	1.000
54.	Waterloo Catholic District School Board	1.000
55.	Niagara Catholic District School Board	1.000
56.	Brant Haldimand Norfolk Catholic District School Board	1.000
57.	Catholic District School Board of Eastern Ontario	1.000
58.	Ottawa-Carleton Catholic District School Board	1.000
59.	Renfrew County Catholic District School Board	1.000
60.	Algonquin and Lakeshore Catholic District School Board	1.032
61.	Conseil scolaire de district du Nord-Est de l'Ontario	1.110
62.	Conseil scolaire de district du Grand Nord de l'Ontario	1.116
63.	Conseil scolaire de district du Centre Sud-Ouest	1.000
64.	Conseil de district des écoles publiques de langue française n° 59	1.000
65.	Conseil scolaire de district catholique des Grandes Rivières	1.123
66.	Conseil scolaire de district catholique Franco-Nord	1.043
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1.118
68.	Conseil scolaire de district catholique des Aurores boréales	1.100
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	1.000
70.	Conseil scolaire de district catholique Centre-Sud	1.000
71.	Conseil scolaire de district catholique de l'Est ontarien	1.000
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	1.000

TABLE/TABLEAU 10

SCHOOLS FOR WHICH COST OF REPAIR IS PROHIBITIVE/
ÉCOLES DONT LE COÛT DES RÉPARATIONS EST PROHIBITIF

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	SFIS/ SIIS #	Elementary Schools/Écoles élémentaires	Secondary Schools/Écoles secondaires	Location/Endroit
1.	Bluewater District School Board	652	Durham District Community S		Durham
2.	Bluewater District School Board	5759		Warton DHS	Warton
3.	Conseil scolaire de district catholique Centre-Sud	9722		ÉS Jean-Vanier	Welland
4.	Conseil scolaire de district catholique des Aurores boréales	4199	Franco-Terrace, E		Terrace Bay
5.	Conseil scolaire de district catholique Franco-Nord	3018		Algonquin, E.s.	North Bay
6.	Conseil scolaire de district du Nord- Est de l'Ontario	10308	Sacre-Cœur, É.sép.		Kapuskasing

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3	COLUMN/ COLONNE 4	COLUMN/ COLONNE 5
	Name of Board/Nom du conseil	SFIS/ SIIS #	Elementary Schools/Écoles élémentaires	Secondary Schools/Écoles secondaires	Location/Endroit
7.	Conseil scolaire de district du Grand Nord de l'Ontario	5831	Jean-Ethier-Blais, E.p.		Sudbury
8.	District School Board of Niagara	1756	Park PS		Grimsby
9.	District School Board Ontario North East	6467	G H Ferguson		Cochrane
10.	Durham Catholic District School Board	8789	St. Joseph C.S.		Oshawa
11.	Durham District School Board	1286	R A Sennett PS		Whitby
12.	Greater Essex County District School Board	849	Frank W Begley Public School		Windsor
13.	Greater Essex County District School Board	1200	John Campbell Public School		Windsor
14.	Greater Essex County District School Board	1163	J E Benson Public School		Windsor
15.	Huron Perth Catholic District School Board	3145	St Joseph Sep S		Clinton
16.	Kawartha Pine Ridge District School Board	86	Apsley PS		Apsley
17.	Kenora Catholic District School Board	3443	Mount Carmel Sep S		Kenora
18.	Near North District School Board	2231	Frank Casey PS		Sturgeon Falls
19.	Nipissing-Parry Sound Catholic District School Board	5985	St. Theresa Catholic School		Corbeil
20.	Ottawa-Carleton Catholic District School Board	5815	Jean Vanier Catholic		Vanier
21.	Renfrew County District School Board	3559	Our Lady of Sorrows Sep S		Petawawa
22.	Simcoe County District School Board	8151	King Edward PS		Barrie
23.	Simcoe County District School Board	8157	Mount Slaven PS		Orillia
24.	Simcoe County District School Board	8165	Parkview PS		Midland
25.	Simcoe County District School Board	8168	Prince of Wales PS		Barrie
26.	Superior North Catholic District School Board	4230	St Martin		Terrace Bay
27.	Thames Valley District School Board	323	Caradoc South PS		Melbourne
28.	Upper Canada District School Board	388	Central PS		Cornwall
29.	Upper Grand District School Board	1211	John McCrae PS		Guelph
30.	Upper Grand District School Board	1559	Mono-Amaranth PS		Orangeville
31.	York Catholic District School Board	3361	John XXIII Sep S		Unionville
32.	York Catholic District School Board	4181	St Luke Sep S		Thornhill
33.	York Region District School Board	6368	George Bailey Building		Maple
34.	York Region District School Board	2552	Woodbridge PS		Woodbridge

TABLE/TABLEAU 11

OUTSTANDING CAPITAL COMMITMENTS/
ENGAGEMENTS D'IMMOBILISATIONS NON RÉALISÉS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Board Name/Nom du conseil	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
1.	Bluewater District School Board	0	111
2.	Conseil scolaire de district catholique de l'Est ontarien	41	0
3.	Conseil scolaire de district catholique Centre-Sud	0	452
4.	Conseil scolaire de district du Centre Sud-Ouest	144	0
5.	District School Board Ontario North East	281	0

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Board Name/Nom du conseil	Pupil Places — Elementary/ Places à l'élémentaire	Pupil Places — Secondary/ Places au secondaire
6.	Dufferin-Peel Catholic District School Board	274	0
7.	Durham Catholic District School Board	79	0
8.	Greater Essex County District School Board	0	122
9.	Hamilton-Wentworth Catholic District School Board	204	224
10.	Keewatin-Patricia District School Board	69	0
11.	Near North District School Board	681	0
12.	Ottawa-Carleton District School Board	0	107
13.	Peel District School Board	0	83
14.	Simcoe County District School Board	91	0
15.	Simcoe Muskoka Catholic District School Board	274	0
16.	Superior-Greenstone District School Board	0	80
17.	Thunder Bay Catholic District School Board	137	0
18.	Toronto Catholic District School Board	0	25
19.	Upper Grand District School Board	0	188

TABLE/TABLEAU 12

PER PUPIL EXCLUSION FOR DECLINING ENROLMENT ADJUSTMENT/
MONTANT PAR ÉLÈVE À EXCLURE DU REDRESSEMENT POUR BAISSÉ DES EFFECTIFS

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
1.	District School Board Ontario North East	241.32
2.	Algoma District School Board	220.98
3.	Rainbow District School Board	185.28
4.	Near North District School Board	189.96
5.	Keewatin-Patricia District School Board	264.45
6.	Rainy River District School Board	250.96
7.	Lakehead District School Board	172.30
8.	Superior-Greenstone District School Board	317.71
9.	Bluewater District School Board	170.44
10.	Avon Maitland District School Board	163.44
11.	Greater Essex County District School Board	157.61
12.	Lambton Kent District School Board	162.11
13.	Thames Valley District School Board	157.26
14.	Toronto District School Board	159.98
15.	Durham District School Board	158.28
16.	Kawartha Pine Ridge District School Board	159.09
17.	Trillium Lakelands District School Board	180.70
18.	York Region District School Board	158.64
19.	Simcoe County District School Board	158.16
20.	Upper Grand District School Board	162.88
21.	Peel District School Board	156.79
22.	Halton District School Board	159.06
23.	Hamilton-Wentworth District School Board	159.53
24.	District School Board of Niagara	159.91
25.	Grand Erie District School Board	159.87
26.	Waterloo Region District School Board	158.57
27.	Ottawa-Carleton District School Board	159.50
28.	Upper Canada District School Board	170.79
29.	Limestone District School Board	165.08
30.	Renfrew County District School Board	177.70
31.	Hastings and Prince Edward District School Board	164.83
32.	Northeastern Catholic District School Board	273.48
33.	Nipissing-Parry Sound Catholic District School Board	190.78
34.	Huron-Superior Catholic District School Board	231.50
35.	Sudbury Catholic District School Board	179.51
36.	Northwest Catholic District School Board	352.50

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2
	Name of Board/Nom du conseil	Amount/ Montant \$
37.	Kenora Catholic District School Board	214.05
38.	Thunder Bay Catholic District School Board	173.79
39.	Superior North Catholic District School Board	368.80
40.	Bruce-Grey Catholic District School Board	187.87
41.	Huron Perth Catholic District School Board	178.78
42.	Windsor-Essex Catholic District School Board	158.83
43.	English-language Separate District School Board No. 38	157.60
44.	St. Clair Catholic District School Board	172.05
45.	Toronto Catholic District School Board	157.15
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	164.23
47.	York Catholic District School Board	156.86
48.	Dufferin-Peel Catholic District School Board	158.09
49.	Simcoe Muskoka Catholic District School Board	162.07
50.	Durham Catholic District School Board	158.26
51.	Halton Catholic District School Board	158.16
52.	Hamilton-Wentworth Catholic District School Board	157.45
53.	Wellington Catholic District School Board	163.67
54.	Waterloo Catholic District School Board	158.24
55.	Niagara Catholic District School Board	159.56
56.	Brant Haldimand Norfolk Catholic District School Board	165.23
57.	Catholic District School Board of Eastern Ontario	176.38
58.	Ottawa-Carleton Catholic District School Board	158.19
59.	Renfrew County Catholic District School Board	192.80
60.	Algonquin and Lakeshore Catholic District School Board	183.64
61.	Conseil scolaire de district du Nord-Est de l'Ontario	469.09
62.	Conseil scolaire de district du Grand Nord de l'Ontario	418.30
63.	Conseil scolaire de district du Centre Sud-Ouest	260.91
64.	Conseil de district des écoles publiques de langue française n° 59	224.80
65.	Conseil scolaire de district catholique des Grandes Rivières	258.79
66.	Conseil scolaire de district catholique Franco-Nord	222.91
67.	Conseil scolaire de district catholique du Nouvel-Ontario	253.40
68.	Conseil scolaire de district catholique des Aurores boréales	555.88
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	217.51
70.	Conseil scolaire de district catholique Centre-Sud	224.85
71.	Conseil scolaire de district catholique de l'Est ontarien	190.41
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	197.71

TABLE/TABLEAU 13

CLASSROOM EXPENDITURE PERCENTAGES/
POURCENTAGES DES DÉPENSES LIÉES AUX CLASSES

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Amounts/Sommes	Elementary % allocated to the classroom/ % alloué aux classes à l'élémentaire	Secondary % allocated to the classroom/ % alloué aux classes au secondaire
1.	Foundation Allocation/ Élément éducation de base	79.76%	76.26%
2.	Teacher qualification and experience/ Rémunération des enseignants	91.19%	84.52%
3.	Small Schools/ Petites écoles	51.63%	49.72%
4.	Remote & Rural Allocation/ Élément conseils ruraux et éloignés	75.24%	71.39%
5.	Early Learning/ Apprentissage durant les premières années d'études	71.04%	
6.	Adult Day School/ Éducation des adultes de jour		75.99%

ITEM/ POINT	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
	Amounts/Sommes	Elementary % allocated to the classroom/ % alloué aux classes à l'élémentaire	Secondary % allocated to the classroom/ % alloué aux classes au secondaire
7.	Native Language and French as a First or Second Language/ Langue autochtone et français langue première ou langue seconde	91.70%	85.44%
8.	ESL/ESD/ALF/PDF	88.00%	82.03%
9.	Learning Opportunities/ Programmes d'aide à l'apprentissage	78.34%	75.21%

17/03

ONTARIO REGULATION 140/03

made under the

EDUCATION ACT

Made: April 2, 2003

Filed: April 11, 2003

LEVYING OF CERTAIN RATES FOR PRIOR YEARS BEFORE 2003

May levy rates for prior years before January 1, 2003

1. (1) Despite any provision of the *Education Act*, the *Municipal Act* or the *Provincial Land Tax Act*, a municipality or board that is required to levy rates in territory without municipal organization for the 1999, 2000 or 2001 taxation year for school purposes, for the purposes of subsection 255 (1) of the *Education Act* or for the purposes of section 21.1 of the *Provincial Land Tax Act*, may meet the requirement by levying the rates at any time before January 1, 2003.

(2) For the purposes of a levy for the 1999, 2000 or 2001 taxation year carried out after the end of that year and before January 1, 2003, the board or municipality shall levy the rates on the real property that is taxable for school purposes as shown on the assessment roll returned for taxation in that year.

(3) If a board or municipality that passed a by-law under subsection 399 (5) of the *Municipal Act* subsequently levies for a taxation year under a regulation made under clause 257.14 (1) (i) of the *Education Act*, the by-law applies to payments on account of taxes received in a year after the levy but before 2003.

(4) In this section, references to the *Municipal Act* are to that Act as it read prior to January 1, 2003.

Commencement

2. This Regulation shall be deemed to have come into force on January 1, 1999.

ELIZABETH WITMER
Minister of Education

Dated on April 2, 2003.

RÈGLEMENT DE L'ONTARIO 140/03

pris en application de la

LOI SUR L'ÉDUCATIONpris le 2 avril 2003
déposé le 11 avril 2003**PRÉLÈVEMENT DE CERTAINS IMPÔTS AVANT 2003
POUR LES ANNÉES ANTÉRIEURES**Prélèvement d'impôts pour les années antérieures possible avant le 1^{er} janvier 2003

1. (1) Malgré toute disposition de la *Loi sur l'éducation*, de la *Loi sur les municipalités* ou de la *Loi sur l'impôt foncier provincial*, la municipalité ou le conseil qui est tenu de prélever des impôts dans un territoire non érigé en municipalité pour l'année d'imposition 1999, 2000 ou 2001 aux fins scolaires, pour l'application du paragraphe 255 (1) de la *Loi sur l'éducation* ou pour l'application de l'article 21.1 de la *Loi sur l'impôt foncier provincial*, peut satisfaire à cette exigence en prélevant les impôts en tout temps avant le 1^{er} janvier 2003.

(2) Aux fins d'un prélèvement pour l'année d'imposition 1999, 2000 ou 2001 effectué après la fin de cette année-là et avant le 1^{er} janvier 2003, le conseil ou la municipalité prélève les impôts sur les biens immeubles qui sont imposables aux fins scolaires, ainsi que l'indique le rôle d'évaluation déposé aux fins d'imposition cette année-là.

(3) Si un conseil ou une municipalité qui a adopté un règlement administratif ou municipal en vertu du paragraphe 399 (5) de la *Loi sur les municipalités* prélève par la suite des impôts pour une année d'imposition en vertu d'un règlement pris en application de l'alinéa 257.14 (1) i) de la *Loi sur l'éducation*, le règlement administratif ou municipal s'applique aux paiements d'impôts qui sont reçus au cours d'une année postérieure au prélèvement mais antérieure à 2003.

(4) Dans le présent article, les renvois à la *Loi sur les municipalités* visent cette loi telle qu'elle existait avant le 1^{er} janvier 2003.

Entrée en vigueur

2. Le présent règlement est réputé être entré en vigueur le 1^{er} janvier 1999.

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 2 avril 2003.

17/03

ONTARIO REGULATION 141/03

made under the

EDUCATION ACTMade: April 2, 2003
Filed: April 11, 2003Amending O. Reg. 714/98
(Levy of Certain Rates for 1998 in 1999)

Note: Ontario Regulation 714/98 has not previously been amended.

1. The title to Ontario Regulation 714/98 is revoked and the following substituted:

LEVYING OF CERTAIN RATES FOR 1998 IN LATER YEARS

2. (1) Subsection 1 (1) of the Regulation is amended by striking out "March 1, 1999" at the end and substituting "January 1, 2003".

(2) Subsection 1 (2) of the Regulation is amended by striking out "January or February of 1999" and substituting "1999, 2000, 2001 or 2002".

(4) Subsection 1 (4) of the Regulation is revoked and the following substituted:

(4) Subsection (5) applies if a board or municipality levies rates for the 1998 taxation year in 1999, 2000, 2001 or 2002 and passes a by-law under subsection 399 (5) of the *Municipal Act* before levying those rates.

(5) Subsection 1 (5) of the Regulation is amended by striking out "January or February of 1999" and substituting "1999, 2000, 2001 or 2002".

3. This Regulation shall be deemed to have come into force on January 1, 1999.

ELIZABETH WITMER
Minister of Education

Dated on April 2, 2003.

RÈGLEMENT DE L'ONTARIO 141/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 2 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 714/98
(Prélèvement de certains impôts pour 1998 en 1999)

Remarque : Le Règlement de l'Ontario 714/98 n'a pas été modifié antérieurement.

1. Le titre du Règlement de l'Ontario 714/98 est abrogé et remplacé par ce qui suit :

PRÉLÈVEMENT DE CERTAINS IMPÔTS POUR 1998 AU COURS D'ANNÉES POSTÉRIEURES

2. (1) Le paragraphe 1 (1) du Règlement est modifié par substitution de «1^{er} janvier 2003» à «1^{er} mars 1999» à la fin du paragraphe.

(2) Le paragraphe 1 (2) du Règlement est modifié par substitution de «1999, 2000, 2001 ou 2002» à «janvier ou février 1999».

(3) Le paragraphe 1 (3) du Règlement est abrogé.

(4) Le paragraphe 1 (4) du Règlement est abrogé et remplacé par ce qui suit :

(4) Le paragraphe (5) s'applique si un conseil ou une municipalité prélève des impôts en 1999, 2000, 2001 ou 2002 pour l'année d'imposition 1998 et adopte un règlement administratif ou municipal en vertu du paragraphe 399 (5) de la *Loi sur les municipalités* avant de prélever ces impôts.

(5) Le paragraphe 1 (5) du Règlement est modifié par substitution de «1999, 2000, 2001 ou 2002» à «janvier ou février 1999».

3. Le présent règlement est réputé être entré en vigueur le 1^{er} janvier 1999.

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 2 avril 2003.

17/03

ONTARIO REGULATION 142/03

made under the

EMPLOYMENT STANDARDS ACT, 2000

Made: April 9, 2003

Filed: April 11, 2003

Amending O. Reg. 289/01

(Enforcement)

Note: Ontario Regulation 289/01 has not previously been amended.

1. Items 1 to 9 of section 1 of Ontario Regulation 289/01 are amended by striking out “section 2, 15 or 16” wherever it appears and substituting in each case “section 2, 15, 15.1 or 16”.

17/03

ONTARIO REGULATION 143/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: April 9, 2003

Filed: April 11, 2003

Amending O. Reg. 642/00

(Determination, Allocation, Apportionment and Billing of Housing Costs)

Note: Ontario Regulation 642/00 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The French version of clause (a) of the definition of “weighted assessment” in subsection 15 (10) of Ontario Regulation 642/00 is amended by striking out “368.1 de la *Loi sur les municipalités*” and substituting “313 de la *Loi de 2001 sur les municipalités*”.

(2) The French version of the definition of “tax ratio” in subsection 15 (11) of the Regulation is amended by striking out “363 de la *Loi sur les municipalités*” and substituting “308 de la *Loi de 2001 sur les municipalités*”.

2. (1) The French version of the definition of “tax ratio” in subsection 18 (1) of the Regulation is amended by striking out “363 de la *Loi sur les municipalités*” and substituting “308 de la *Loi de 2001 sur les municipalités*”.

(2) The French version of clause (a) of the definition of “weighted assessment” in subsection 18 (1) of the Regulation is amended by striking out “368.1 de la *Loi sur les municipalités*” and substituting “313 de la *Loi de 2001 sur les municipalités*”.

(3) The French version of paragraph 2 of subsection 18 (4) of the Regulation is amended by striking out “363 de la *Loi sur les municipalités*” and substituting “308 de la *Loi de 2001 sur les municipalités*”.

3. (1) The French version of clause (a) of the definition of “net taxable assessment” in subsection 26.2 (6) of the Regulation is amended by striking out “368.1 de la *Loi sur les municipalités*” and substituting “313 de la *Loi de 2001 sur les municipalités*” and by striking out “368.1” and substituting “313”.

(2) The French version of the definition of “taxable assessment” in subsection 26.2 (6) of the Regulation is amended by striking out “366 ou 368 de la *Loi sur les municipalités*” and substituting “311 ou 312 de la *Loi de 2001 sur les municipalités*”.

(3) The French version of the definition of “transition ratio” in subsection 26.2 (6) of the Regulation is amended by striking out “363 de la *Loi sur les municipalités*” and substituting “308 de la *Loi de 2001 sur les municipalités*”.

REGLEMENT DE L'ONTARIO 143/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 9 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 642/00

(Calcul, attribution, répartition et facturation des coûts du logement)

Remarque : Le Règlement de l'Ontario 642/00 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) La version française de l'alinéa a) de la définition de «évaluation pondérée» au paragraphe 15 (10) du Règlement de l'Ontario 642/00 est modifiée par substitution de «313 de la *Loi de 2001 sur les municipalités*» à «368.1 de la *Loi sur les municipalités*».

(2) La version française de la définition de «coefficient d'impôt» au paragraphe 15 (11) du Règlement est modifiée par substitution de «308 de la *Loi de 2001 sur les municipalités*» à «363 de la *Loi sur les municipalités*».

2. (1) La version française de la définition de «coefficient d'impôt» au paragraphe 18 (1) du Règlement est modifiée par substitution de «308 de la *Loi de 2001 sur les municipalités*» à «363 de la *Loi sur les municipalités*».

(2) La version française de l'alinéa a) de la définition de «évaluation pondérée» au paragraphe 18 (1) du Règlement est modifiée par substitution de «313 de la *Loi de 2001 sur les municipalités*» à «368.1 de la *Loi sur les municipalités*».

(3) La version française de la disposition 2 du paragraphe 18 (4) du Règlement est modifiée par substitution de «308 de la *Loi de 2001 sur les municipalités*» à «363 de la *Loi sur les municipalités*».

3. (1) La version française de l'alinéa a) de la définition de «évaluation nette imposable» au paragraphe 26.2 (6) du Règlement est modifiée par substitution de «313 de la *Loi de 2001 sur les municipalités*» à «368.1 de la *Loi sur les municipalités*» et par substitution de «313» à «368.1».

(2) La version française de la définition de «évaluation imposable» au paragraphe 26.2 (6) du Règlement est modifiée par substitution de «311 ou 312 de la *Loi de 2001 sur les municipalités*» à «366 ou 368 de la *Loi sur les municipalités*».

(3) La version française de la définition de «coefficient de transition» au paragraphe 26.2 (6) du Règlement est modifiée par substitution de «308 de la *Loi de 2001 sur les municipalités*» à «363 de la *Loi sur les municipalités*».

17/03

ONTARIO REGULATION 144/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: April 9, 2003
Filed: April 11, 2003

Amending O. Reg. 368/01
(General)

Note: Ontario Regulation 368/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 368/01 is amended by adding the following French version:

RÈGLEMENT DE L'ONTARIO 144/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIALpris le 9 avril 2003
déposé le 11 avril 2003modifiant le Règl. de l'Ont. 368/01
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 368/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Le Règlement de l'Ontario 368/01 est modifié par adjonction de la version française suivante :**Exclusion de certains textes législatifs**

14.1 Pour l'application du paragraphe 60 (1) de la Loi, les dispositions suivantes ne s'appliquent pas aux transferts énumérés au paragraphe 60 (2) de la Loi :

1. Le paragraphe 193 (4) de la *Loi sur les municipalités*, mais seulement à l'égard des transferts de biens immeubles de la société Toronto Housing Company Inc. à la société Toronto Community Housing Corporation.
2. Le paragraphe 268 (3) de la *Loi de 2001 sur les municipalités*, mais seulement à l'égard des transferts de biens immeubles de la société Toronto Housing Company Inc. à la société Toronto Community Housing Corporation.

17/03

ONTARIO REGULATION 145/03

made under the

SOCIAL HOUSING REFORM ACT, 2000Made: April 9, 2003
Filed: April 11, 2003Amending O. Reg. 298/01
(Rent-Geared-to-Income Assistance and Special Needs Housing)

Note: Ontario Regulation 298/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Table 2 of Ontario Regulation 298/01 is amended by adding the following item in Column 2 opposite "Regional Municipality of Waterloo" in Column 1:

COLUMN 1	COLUMN 2
Regional Municipality of Waterloo	33. Slavonia-Croatian Non-Profit Homes Inc.

(2) Table 2 of the Regulation is amended by adding the following item in Column 2 opposite "City of Hamilton" in Column 1:

COLUMN 1	COLUMN 2
City of Hamilton	22. ITCA Community Involvement Incorporated

(3) Table 2 of the Regulation is amended by adding the following item in Column 2 opposite "City of Brantford" in Column 1:

COLUMN 1	COLUMN 2
City of Brantford	7. Brant Community Place Homes

(4) Table 2 of the Regulation is amended by adding the following item in Column 2 opposite "Regional Municipality of Durham" in Column 1:

COLUMN 1	COLUMN 2
Regional Municipality of Durham	31. The Participation House Project (Durham Region)

(5) Item 6 opposite “City of Peterborough” in Column 1 of Table 2 of the Regulation is revoked.

(6) Table 2 of the Regulation is amended by adding the following item in Column 2 opposite “City of Ottawa” in Column 1:

COLUMN 1	COLUMN 2
City of Ottawa	40. OCISO Non-Profit Housing Corporation

2. This Regulation comes into force on the later of April 1, 2003 and the day it is filed.

RÈGLEMENT DE L'ONTARIO 145/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 9 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 298/01

(Aide sous forme de loyer indexé sur le revenu et logement adapté)

Remarque : Le Règlement de l'Ontario 298/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Le tableau 2 du Règlement de l'Ontario 298/01 est modifié par adjonction du numéro suivant à la colonne 2, en regard de «Municipalité régionale de Waterloo» à la colonne 1 :

COLONNE 1	COLONNE 2
Municipalité régionale de Waterloo	33. Slavonia-Croatian Non-Profit Homes Inc.

(2) Le tableau 2 du Règlement est modifié par adjonction du numéro suivant à la colonne 2, en regard de «Cité de Hamilton» à la colonne 1 :

COLONNE 1	COLONNE 2
Cité de Hamilton	22. ITCA Community Involvement Incorporated

(3) Le tableau 2 du Règlement est modifié par adjonction du numéro suivant à la colonne 2, en regard de «Cité de Brantford» à la colonne 1 :

COLONNE 1	COLONNE 2
Cité de Brantford	7. Brant Community Place Homes

(4) Le tableau 2 du Règlement est modifié par adjonction du numéro suivant à la colonne 2, en regard de «Municipalité régionale de Durham» à la colonne 1 :

COLONNE 1	COLONNE 2
Municipalité régionale de Durham	31. The Participation House Project (Durham Region)

(5) Le numéro 6 en regard de «Cité de Peterborough» à la colonne 1 du tableau 2 du Règlement est abrogé.

(6) Le tableau 2 du Règlement est modifié par adjonction du numéro suivant à la colonne 2, en regard de «Ville d'Ottawa» à la colonne 1 :

COLONNE 1	COLONNE 2
Ville d'Ottawa	40. OCISO Non-Profit Housing Corporation

2. Le présent règlement entre en vigueur le 1^{er} avril 2003 ou, s'il lui est postérieur, le jour de son dépôt.

ONTARIO REGULATION 146/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: March 24, 2003

Filed: April 11, 2003

Amending O. Reg. 339/01

(Housing Projects Subject to Part VI of the Act)

Note: Ontario Regulation 339/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Table 1 of Ontario Regulation 339/01 is amended by adding the following opposite "Regional Municipality of Waterloo" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
	10 Westwood Drive, Kitchener — Slavonia-Croatian Non-Profit Homes Inc.	April 1, 2003

(2) Table 1 of the Regulation is amended by adding the following opposite "City of Hamilton" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
	1220 Upper Wentworth Street, Hamilton — ITCA Community Involvement Incorporated	April 1, 2003

(3) Table 1 of the Regulation is amended by adding the following opposite "City of Brantford" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
	228-240 Charing Cross Street, Brantford — Brant Community Place Homes	April 1, 2003

(4) Table 1 of the Regulation is amended by adding the following opposite "Regional Municipality of Durham" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
	114 Concession St. East, Bowmanville — The Participation House Project (Durham Region)	April 1, 2003

(5) Table 1 of the Regulation is amended by striking out the following row opposite "City of Ottawa" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
	Confidential 2676 Innes Road, Gloucester — Emily Murphy Non-Profit Housing Corporation	April 1, 2002

and substituting the following:

Service Manager	Housing Project	Commencement Date
	Group Number E00038 — Emily Murphy Non-Profit Housing Corporation	April 1, 2002

(6) Table 1 of the Regulation is amended by adding the following opposite "City of Ottawa" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
	951-959 Wellington Street, Ottawa — OCISO Non-Profit Housing Corporation	April 1, 2003

(7) Table 1 of the Regulation is amended by striking out the following opposite "City of Toronto" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
	Bloor House (shelter), Toronto — Women in Transition Inc., MMAH Group #M04604	May 1, 2002

2. Item 86 of Table 3 of the Regulation is revoked.

5. This Regulation comes into force on the later of April 1, 2003 and the day it is filed.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on March 24, 2003.

RÈGLEMENT DE L'ONTARIO 146/03
pris en application de la
LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 24 mars 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 339/01
(Ensembles domiciliaires visés par la partie VI de la Loi)

Remarque : Le Règlement de l'Ontario 339/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Le tableau 1 du Règlement de l'Ontario 339/01 est modifié par adjonction de ce qui suit en regard de «Municipalité régionale de Waterloo» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	10 Westwood Drive, Kitchener — Slavonia-Croatian Non-Profit Homes Inc.	1 ^{er} avril 2003

(2) Le tableau 1 du Règlement est modifié par adjonction de ce qui suit en regard de «Cité de Hamilton» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	1220 Upper Wentworth Street, Hamilton — ITCA Community Involvement Incorporated	1 ^{er} avril 2003

(3) Le tableau 1 du Règlement est modifié par adjonction de ce qui suit en regard de «Cité de Brantford» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	228-240 Charing Cross Street, Brantford — Brant Community Place Homes	1 ^{er} avril 2003

(4) Le tableau 1 du Règlement est modifié par adjonction de ce qui suit en regard de «Municipalité régionale de Durham» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	114 Concession St. East, Bowmanville — The Participation House Project (Durham Region)	1 ^{er} avril 2003

(5) Le tableau 1 du Règlement est modifié par substitution de ce qui suit :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	Numéro de groupe E00038 — Emily Murphy Non-Profit Housing Corporation	1 ^{er} avril 2002

à la rangée suivante en regard de «Ville d'Ottawa» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	Confidentiel, 2676 Innes Road, Gloucester — Emily Murphy Non-Profit Housing Corporation	1 ^{er} avril 2002

(6) Le tableau 1 du Règlement est modifié par adjonction de ce qui suit en regard de «Ville d'Ottawa» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	951-959 Wellington Street, Ottawa — OCISO Non-Profit Housing Corporation	1 ^{er} avril 2003

(7) Le tableau 1 du Règlement est modifié par suppression de ce qui suit en regard de «Cité de Toronto» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
	Bloor House (refuge), Toronto - Women in Transition Inc., ensemble M04604 du MAML	1 ^{er} mai 2002

2. Le numéro 86 du tableau 3 du Règlement est abrogé.

3. Le présent règlement entre en vigueur le 1^{er} avril 2003 ou, s'il lui est postérieur, le jour de son dépôt.

DAVID STUART YOUNG
Ministre des Affaires municipales et du Logement

Fait le 24 mars 2003.

17/03

ONTARIO REGULATION 147/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: April 9, 2003
Filed: April 11, 2003

Amending O. Reg. 368/01
(General)

Note: Since the end of 2002, Ontario Regulation 368/01 has been amended by Ontario Regulation 144/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Items 1, 2, 5, 7, 9, 10, 13, 18, 19, 27, 29, 31, 34, 43 and 46 of Table 7 of Ontario Regulation 368/01 are revoked and the following substituted:

1.	City of Toronto	72,094	31,028	1,876
2.	Regional Municipality of Durham	4,446	2,109	237
.				
5.	City of Hamilton	8,340	4,997	232
.				
7.	City of Ottawa	16,335	9,514	584
.				
9.	City of Greater Sudbury	3,603	2,151	162
10.	Regional Municipality of Waterloo	5,578	3,041	339
.				
13.	City of Brantford	1,545	935	56
.				
18.	City of Windsor	5,616	3,381	175
19.	City of Kingston	2,003	1,368	74
.				
27.	City of London	5,942	3,381	289
.				
29.	County of Oxford	1,020	605	22
.				
31.	City of Peterborough	1,564	942	63
.				
34.	County of Simcoe	2,763	1,428	109

43.	District of Nipissing Social Services Administration Board	1,022	796	57
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46.	District of Thunder Bay Social Services Administration Board	3,564	1,987	301
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2. This Regulation comes into force on the later of April 1, 2003 and the day it is filed.

RÈGLEMENT DE L'ONTARIO 147/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 9 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 368/01
(Dispositions générales)

Remarque : Depuis la fin de 2002, le Règlement de l'Ontario 368/01 a été modifié par le Règlement de l'Ontario 144/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Les numéros 1, 2, 5, 7, 9, 10, 13, 18, 19, 27, 29, 31, 34, 43 et 46 du tableau 7 du Règlement de l'Ontario 368/01 sont abrogés et remplacés par ce qui suit :

1.	Cité de Toronto	72 094	31 028	1 876
2.	Municipalité régionale de Durham	4 446	2 109	237

5.	Cité de Hamilton	8 340	4 997	232
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7.	Ville d'Ottawa	16 335	9 514	584
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9.	Ville du Grand Sudbury	3 603	2 151	162
10.	Municipalité régionale de Waterloo	5 578	3 041	339

13.	Cité de Brantford	1 545	935	56
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18.	Cité de Windsor	5 616	3 381	175
19.	Cité de Kingston	2 003	1 368	74

27.	Cité de London	5 942	3 381	289
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29.	Comté d'Oxford	1 020	605	22
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31.	Cité de Peterborough	1 564	942	63
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34.	Comté de Simcoe	2 763	1 428	109
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43.	Conseil d'administration des services sociaux du district de Nipissing	1 022	796	57
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46.	Conseil d'administration des services sociaux du district de Thunder Bay	3 564	1 987	301
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2. Le présent règlement entre en vigueur le 1^{er} avril 2003 ou, s'il lui est postérieur, le jour de son dépôt.

ONTARIO REGULATION 148/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: April 9, 2003

Filed: April 11, 2003

Amending O. Reg. 369/01

(Transfer of Administration for Housing Programs and Projects)

Note: Ontario Regulation 369/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Paragraphs 1 and 2 of section 6 of Ontario Regulation 369/01 are revoked and the following substituted:

1. The memorandum of understanding in respect of dedicated supportive housing entered into between the Ministry of Municipal Affairs and Housing and the Ministry of Health and Long-Term Care, signed on July 9, 2002.
2. The memorandum of understanding in respect of dedicated supportive housing entered into between the Ministry of Municipal Affairs and Housing and the Ministry of Community, Family and Children's Services, signed on June 14, 2002.

2. (1) Items 530 and 858 of Schedule 1 to the Regulation are revoked and the following substituted:

858.	4	Account Number 008185373, Toronto — Toronto Housing Company Inc.	May 1, 2002
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(2) Item 1021 of Schedule 1 to the Regulation is revoked and the following substituted:

1021.	5	29 South Station Street, Toronto — Ashprior Charitable Foundation	April 1, 2003
1022.	4	346 - 348 Palmerston Boulevard, Toronto — Palmerston Conscious Community Corporation	April 1, 2003
1023.	5	989 Eglinton Avenue W., Toronto — Southover Charitable Foundation	April 1, 2003
1024.	5	31 Tichester Road, Toronto — Yarford Charitable Foundation	April 1, 2003
1025.	5	7 Alamosa Drive, Toronto — Mens Sana — Families For Schizophrenics	April 1, 2003

3. Schedule 2 to the Regulation is amended by adding the following items:

92.	6 (a)	114 Concession Street E., Bowmanville — The Participation House Project (Durham Region)	April 1, 2003
93.	5	108 Liberty Street N., Bowmanville — Canadian Foresters Project (Eastern) Group	April 1, 2003

4. Schedule 5 to the Regulation is amended by adding the following items:

210.	6 (a)	1220 Upper Wentworth Street, Hamilton — ITCA Community Involvement Incorporated	April 1, 2003
211.	5	820 Limeridge Road E., Hamilton — ITCA Community Involvement Incorporated	April 1, 2003

5. (1) Item 163 of Schedule 7 to the Regulation is revoked and the following substituted:

163.	6 (a)	Group Number E00038, Gloucester — Emily Murphy Non-Profit Housing Corporation	April 1, 2002
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(2) Schedule 7 to the Regulation is amended by adding the following items:

284.	6 (a)	951 - 959 Wellington Street, Ottawa — OCISO Non-Profit Housing Corporation	April 1, 2003
285.	5	20 Cleary Avenue, Ottawa — Unitarian House of Ottawa/Maison Unitarienne d'Ottawa	April 1, 2003

6. Schedule 10 to the Regulation is amended by adding the following items:

139.	6 (a)	10 Westwood Drive, Kitchener — Slavonia-Croatian Non-Profit Homes Inc.	April 1, 2003
140.	5	560 Greenfield Avenue, Kitchener — The Hellenic Community of Kitchener-Waterloo and Suburbs Housing Inc.	April 1, 2003

7. Schedule 13 to the Regulation is amended by adding the following item:

42.	6 (a)	228 - 240 Charing Cross Street, Brantford — Brant Community Place Homes	April 1, 2003
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8. Schedule 34 to the Regulation is amended by adding the following items:

88.	8	2, 13, 14 and 17 Woodgrove Trail, Barrie — S.U.N. Housing Incorporated	April 1, 2003
89.	8	10 Mowat Crescent, 246, 252, 258 and 266 Browning Trail, Barrie — S.U.N. Housing Incorporated	April 1, 2003

90.	8	2, 11 and 24 Asndale Court, 25, 29, 35, 81, 91 and 95 Carlton Road, 13, 25, 29, 33, 37, 39, 53 and 79 Maplehurst Crescent, 21 Chaucer Crescent, 12 and 75 Christie Crescent, 251 Cundles Road W., 19 Scott Crescent, 22 Shaw Crescent, 36 Wild Place, Barrie; 1043 and 1073 Glen Bogie Crescent, Midland; 91 Katharine Street, Collingwood — S.U.N. Housing Incorporated	April 1, 2003
91.	8	12 Blue Jay Road., 46, 48, 290 and 326 Browning Trail, 8 and 26 Chaucer Crescent, Barrie — S.U.N. Housing Incorporated	April 1, 2003
92.	8	28 and 36 Christie Crescent, 229 Cundles Road W., 57 and 69 Kipling Place, 1 and 40 Mowat Crescent, 10 and 26 Scott Crescent, Barrie — S.U.N. Housing Incorporated	April 1, 2003
93.	8	288 Browning Trail, Barrie — S.U.N. Housing Incorporated	April 1, 2003

9. Schedule 35 to the Regulation is amended by adding the following item:

43.	4	1376 Mary Street, Cornwall — Brookdale Terrace Tenants Association Inc.	April 1, 2003
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10. This Regulation comes into force on the later of April 1, 2003 and the day it is filed.

RÈGLEMENT DE L'ONTARIO 148/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 9 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 369/01

(Transfert de l'administration de programmes de logement et d'ensembles domiciliaires)

Remarque : Le Règlement de l'Ontario 369/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Les dispositions 1 et 2 de l'article 6 du Règlement de l'Ontario 369/01 sont abrogées et remplacées par ce qui suit :

1. Le protocole d'entente relatif à des logements exclusifs avec services de soutien conclu entre le ministère des Affaires municipales et du Logement et le ministère de la Santé et des Soins de longue durée et signé le 9 juillet 2002.
2. Le protocole d'entente relatif à des logements exclusifs avec services de soutien conclu entre le ministère des Affaires municipales et du Logement et le ministère des Services à la collectivité, à la famille et à l'enfance et signé le 14 juin 2002.

2. (1) Les numéros 530 et 858 de l'annexe 1 du Règlement sont abrogés et remplacés par ce qui suit :

858.	4	Numéro de compte 008185373, Toronto — Toronto Housing Company Inc.	1 ^{er} mai 2002
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(2) Le numéro 1021 de l'annexe 1 du Règlement est abrogé et remplacé par ce qui suit :

1021.	5	29 South Station Street, Toronto — Ashprior Charitable Foundation	1 ^{er} avril 2003
1022.	4	346 - 348 Palmerston Boulevard, Toronto — Palmerston Conscious Community Corporation	1 ^{er} avril 2003
1023.	5	989 Eglinton Avenue W., Toronto — Southover Charitable Foundation	1 ^{er} avril 2003
1024.	5	31 Tichester Road, Toronto — Yarford Charitable Foundation	1 ^{er} avril 2003
1025.	5	7 Alamosa Drive, Toronto — Mens Sana — Families For Schizophrenics	1 ^{er} avril 2003

3. L'annexe 2 du Règlement est modifiée par adjonction des numéros suivants :

92.	6 a)	114 Concession Street E., Bowmanville — The Participation House Project (Durham Region)	1 ^{er} avril 2003
93.	5	108 Liberty Street N., Bowmanville — Canadian Foresters Project (Eastern) Group	1 ^{er} avril 2003

4. L'annexe 5 du Règlement est modifiée par adjonction des numéros suivants :

210.	6 a)	1220 Upper Wentworth Street, Hamilton — ITCA Community Involvement Incorporated	1 ^{er} avril 2003
211.	5	820 Limeridge Road E., Hamilton — ITCA Community Involvement Incorporated	1 ^{er} avril 2003

5. (1) Le numéro 163 de l'annexe 7 du Règlement est abrogé et remplacé par ce qui suit :

163.	6 a)	Numéro de groupe E00038, Gloucester — Emily Murphy Non-Profit Housing Corporation	1 ^{er} avril 2002
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(2) L'annexe 7 du Règlement est modifiée par adjonction des numéros suivants :

284.	6 a)	951 - 959 Wellington Street, Ottawa — OCISO Non-Profit Housing Corporation	1 ^{er} avril 2003
285.	5	20 Cleary Avenue, Ottawa — Unitarian House of Ottawa/Maison Unitarienne d'Ottawa	1 ^{er} avril 2003

6. L'annexe 10 du Règlement est modifiée par adjonction des numéros suivants :

139.	6 a)	10 Westwood Drive, Kitchener — Slavonia-Croatian Non-Profit Homes Inc.	1 ^{er} avril 2003
140.	5	560 Greenfield Avenue, Kitchener — The Hellenic Community of Kitchener-Waterloo and Suburbs Housing Inc.	1 ^{er} avril 2003

7. L'annexe 13 du Règlement est modifiée par adjonction du numéro suivant :

42.	6 a)	228 - 240 Charing Cross Street, Brantford — Brant Community Place Homes	1 ^{er} avril 2003
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8. L'annexe 34 du Règlement est modifiée par adjonction des numéros suivants :

88.	8	2, 13, 14 and 17 Woodgrove Trail, Barrie — S.U.N. Housing Incorporated	1 ^{er} avril 2003
89.	8	10 Mowat Crescent, 246, 252, 258 and 266 Browning Trail, Barrie — S.U.N. Housing Incorporated	1 ^{er} avril 2003
90.	8	2, 17 and 24 Ashdale Court, 25, 29, 35, 81, 91 and 95 Carlton Road, 13, 25, 29, 33, 37, 39, 53 and 79 Maplehurst Crescent, 21 Chaucer Crescent, 12 and 75 Christie Crescent, 251 Cundles Road W., 19 Scott Crescent, 22 Shaw Crescent, 36 Wild Place, Barrie; 1043 and 1073 Glen Bogie Crescent, Midland; 91 Katharine Street, Collingwood — S.U.N. Housing Incorporated	1 ^{er} avril 2003
91.	8	12 Blue Jay Road., 46, 48, 290 and 326 Browning Trail, 8 and 26 Chaucer Crescent, Barrie — S.U.N. Housing Incorporated	1 ^{er} avril 2003
92.	8	28 and 36 Christie Crescent, 229 Cundles Road W., 57 and 69 Kipling Place, 1 and 40 Mowat Crescent, 10 and 26 Scott Crescent, Barrie — S.U.N. Housing Incorporated	1 ^{er} avril 2003
93.	8	288 Browning Trail, Barrie — S.U.N. Housing Incorporated	1 ^{er} avril 2003

9. L'annexe 35 du Règlement est modifiée par adjonction du numéro suivant :

43.	4	1376 Mary Street, Cornwall — Brookdale Terrace Tenants Association Inc.	1 ^{er} avril 2003
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10. Le présent règlement entre en vigueur le 1^{er} avril 2003 ou, s'il lui est postérieur, le jour de son dépôt.

17/03

ONTARIO REGULATION 149/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: March 24, 2003

Filed: April 11, 2003

Amending O. Reg. 456/01

(Supportive Housing Providers — Section 64 of the Act)

Note: Ontario Regulation 456/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The Table to Ontario Regulation 456/01 is amended by adding the following item opposite "City of Brantford" in Column 1:

COLUMN 1	COLUMN 2	COLUMN 3
City of Brantford	7. Brant Community Place Homes	April 1, 2003

(2) The Table to the Regulation is amended by adding the following item opposite "Regional Municipality of Durham" in Column 1:

COLUMN 1	COLUMN 2	COLUMN 3
Regional Municipality of Durham	31. The Participation House Project (Durham Region)	April 1, 2003

(3) The Table to the Regulation is amended by adding the following item opposite "City of Hamilton" in Column 1:

COLUMN 1	COLUMN 2	COLUMN 3
City of Hamilton	22. ITCA Community Involvement Incorporated	April 1, 2003

(4) The Table to the Regulation is amended by adding the following item opposite "City of Ottawa" in Column 1:

COLUMN 1	COLUMN 2	COLUMN 3
City of Ottawa	40. OCISO Non-Profit Housing Corporation	April 1, 2003

(5) The Table to the Regulation is amended by adding the following item opposite "Regional Municipality of Waterloo" in Column 1:

COLUMN 1	COLUMN 2	COLUMN 3
Regional Municipality of Waterloo	33. Slavonia-Croatian Non-Profit Housing Inc.	April 1, 2003

(6) Item 6 opposite "City of Peterborough" in Column 1 of the Table to the Regulation is revoked.

2. This Regulation comes into force on the later of April 1, 2003 and the day it is filed.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on March 24, 2003.

RÈGLEMENT DE L'ONTARIO 149/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 24 mars 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 456/01

(Fournisseurs de logements avec services de soutien – article 64 de la Loi)

Remarque : Le Règlement de l'Ontario 456/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Le tableau du Règlement de l'Ontario 456/01 est modifié par adjonction du numéro suivant en regard de «Cité de Brantford» à la colonne 1 :

COLONNE 1	COLONNE 2	COLONNE 3
Cité de Brantford	7. Brant Community Place Homes	1 ^{er} avril 2003

(2) Le tableau du Règlement est modifié par adjonction du numéro suivant en regard de «Municipalité régionale de Durham» à la colonne 1 :

COLONNE 1	COLONNE 2	COLONNE 3
Municipalité régionale de Durham	31. The Participation House Project (Durham Region)	1 ^{er} avril 2003

(3) Le tableau du Règlement est modifié par adjonction du numéro suivant en regard de «Cité de Hamilton» à la colonne 1 :

COLONNE 1	COLONNE 2	COLONNE 3
Cité de Hamilton	22. ITCA Community Involvement Incorporated	1 ^{er} avril 2003

(4) Le tableau du Règlement est modifié par adjonction du numéro suivant en regard de «Ville d'Ottawa» à la colonne 1 :

COLONNE 1	COLONNE 2	COLONNE 3
Ville d'Ottawa	40. OCISO Non-Profit Housing Corporation	1 ^{er} avril 2003

(5) Le tableau du Règlement est modifié par adjonction du numéro suivant en regard de «Municipalité régionale de Waterloo» à la colonne 1 :

COLONNE 1	COLONNE 2	COLONNE 3
Municipalité régionale de Waterloo	33. Slavonia-Croatian Non-Profit Housing Inc.	1 ^{er} avril 2003

(6) Le numéro 6 en regard de «Cité de Peterborough» à la colonne 1 du tableau du Règlement est abrogé.

2. Le présent règlement entre en vigueur le 1^{er} avril 2003 ou, s'il lui est postérieur, le jour de son dépôt.

DAVID STUART YOUNG
Ministre des Affaires municipales et du Logement

Fait le 24 mars 2003.

17/03

ONTARIO REGULATION 150/03
made under the
SOCIAL HOUSING REFORM ACT, 2000

Made: April 9, 2003
Filed: April 11, 2003

Amending O. Reg. 17/02
(Social Housing Services Corporation)

Note: Ontario Regulation 17/02 has not previously been amended.

1. Subsection 4 (1) of Ontario Regulation 17/02 is revoked and the following substituted:

Objects of the corporation — prescribed housing providers and programs

(1) The housing providers listed in Schedules 1 and 3 and the housing providers that are members of the corporation pursuant to section 3 are prescribed as housing providers for the purposes of clauses 141 (a), (b), (c) and (d) of the Act.

(1.1) The housing providers listed in Schedule 2 are prescribed housing providers for the purposes of clauses 141 (b), (c) and (d) of the Act.

2. Subsection 5 (1) of the Regulation is revoked and the following substituted:

Powers of the corporation's board — prescribed housing providers

(1) The housing providers listed in Schedules 1 and 3 and the housing providers that are members of the corporation pursuant to section 3 are prescribed as housing providers for the purposes of clauses 142 (1) (b), (d), (e) and (f) of the Act.

(1.1) The housing providers listed in Schedule 2 are prescribed as housing providers for the purposes of clauses 142 (1) (b), (e) and (f) of the Act.

3. This Regulation comes into force on the later of April 1, 2003 and the day it is filed.

RÈGLEMENT DE L'ONTARIO 150/03
pris en application de la
LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 9 avril 2003
déposé le 11 avril 2003

modifiant le Règl. de l'Ont. 17/02
(Société des services de logement social)

Remarque : Le Règlement de l'Ontario 17/02 n'a pas été modifié antérieurement.

1. Le paragraphe 4 (1) du Règlement de l'Ontario 17/02 est abrogé et remplacé par ce qui suit :

Mission de la Société : fournisseurs de logements et programmes de logement prescrits

(1) Les fournisseurs de logements énumérés aux annexes 1 et 3 et ceux qui sont membres de la Société conformément à l'article 3 sont prescrits comme étant des fournisseurs de logements pour l'application des alinéas 141 a), b), c) et d) de la Loi.

(1.1) Les fournisseurs de logements énumérés à l'annexe 2 sont prescrits comme étant des fournisseurs de logements pour l'application des alinéas 141 b), c) et d) de la Loi.

2. Le paragraphe 5 (1) du Règlement est abrogé et remplacé par ce qui suit :

Pouvoirs du conseil d'administration de la Société : fournisseurs de logements prescrits

(1) Les fournisseurs de logements énumérés aux annexes 1 et 3 et ceux qui sont membres de la Société conformément à l'article 3 sont prescrits comme étant des fournisseurs de logements pour l'application des alinéas 142 (1) b), d), e) et f) de la Loi.

(1.1) Les fournisseurs de logements énumérés à l'annexe 2 sont prescrits comme étant des fournisseurs de logements pour l'application des alinéas 142 (1) b), e) et f) de la Loi.

3. Le présent règlement entre en vigueur le 1^{er} avril 2003 ou, s'il lui est postérieur, le jour de son dépôt.

17/03



Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—05—03

ONTARIO REGULATION 151/03

made under the

MINISTRY OF CORRECTIONAL SERVICES ACT

Made: April 9, 2003

Filed: April 14, 2003

Amending Reg. 778 of R.R.O. 1990
(General)

Note: Regulation 778 has previously been amended. Those amendments are listed in the Table of Regulations published in The Ontario Gazette dated January 18, 2003.

1. Subsection 37 (2) of Regulation 778 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

- (2) After considering the request for a temporary absence permit, the Superintendent shall, subject to section 38,
 - (a) authorize the temporary absence with or without conditions; or
 - (b) deny the request for a temporary absence.

2. Subsection 38 (4) of the Regulation is revoked and the following substituted:

- (4) After considering the request for a temporary absence permit, the Board or member of the Board shall,
 - (a) authorize the temporary absence with or without conditions; or
 - (b) deny the request for a temporary absence.

3. The Regulation is amended by adding immediately after the heading “PART II PAROLE” the following section:

40.1 In this Part,

“victim” means,

- (a) a victim within the meaning of section 36.1 of the Act who is a victim of an inmate in respect of the offence for which the inmate is seeking parole, and
- (b) if the person described in clause (a) is under 16 years of age, includes the person’s parent, within the meaning of section 1 of the *Family Law Act*, or guardian.

4. Subsection 44 (3) of the Regulation is revoked.

5. The Regulation is amended by adding the following sections:

44.1 A victim of the inmate may make submissions to the Board before it conducts a hearing under subsection 44 (2), in any form that the Board considers appropriate, including written submissions or an interview in person or by telephone or other means of communication with the Board or with a person or persons designated by the chair of the Board.

44.2 (1) A victim of the inmate may apply to the Board if he or she wishes to attend the inmate’s parole hearing.

(2) The Board shall approve a victim’s application unless, based on the advice of the Superintendent of the correctional institution where the hearing is scheduled to take place, the Board determines that,

- (a) there is insufficient time before the hearing,
 - (i) to obtain security clearance for the victim and a person to assist the victim to attend at the correctional institution, or
 - (ii) to arrange for the hearing to be held in a room that has adequate space for all the persons attending the hearing; or
- (b) the security of the correctional institution or the personal safety of any person, including the victim, may be compromised by the victim’s attendance at the hearing.

(3) If the Board denies a victim's application to attend a hearing, the victim may request in writing that the chair of the Board review the decision.

(4) Upon receiving a request under subsection (3), the chair or the chair's delegate shall review the decision and, based on the advice of the supervisor of the Superintendent of the correctional institution where the hearing is scheduled to take place, shall uphold, reverse or amend the original decision of the Board.

(5) If the Board approves a victim's application to attend a parole hearing, the inmate shall be promptly notified of the fact.

44.3 (1) A victim who has been given permission to attend a hearing may participate in the hearing by making submissions to the Board on,

- (a) the effects and impact of the offence at the time of the offence on the victim and on any relative, spouse or same-sex partner of the victim;
- (b) the continuing effects and impact of the offence on the victim and on any relative, spouse or same-sex partner of the victim; and
- (c) the victim's and any relative, spouse or same-sex partner of the victim's recommendations with respect to the granting of parole to the inmate and, if parole is granted, to any conditions that should be attached to the inmate's parole to protect the victim and the community at large.

(2) A victim may be assisted at an inmate's parole hearing by any person and in exceptional circumstances, the Board may permit a victim to be assisted at the hearing by more than one person.

(3) A person attending a parole hearing to assist a victim may only participate at the hearing,

- (a) by translating for the victim; and
- (b) at the discretion of the Board, by speaking on behalf of a victim who has a mental or physical disability that prevents him or her from communicating clearly.

(4) In subsection (1),

"relative" means a person related to the victim by blood, marriage or adoption; ("parent")

"same-sex partner" and "spouse" have the same meanings as in section 29 of the *Family Law Act*. ("partenaire de même sexe", "conjoint")

44.4 If, at any point during a hearing under subsection 44 (2), the Board is of the opinion that the orderly conduct of the hearing is being disrupted, the Board may,

- (a) request that any person, other than the inmate, be excluded from the hearing room for any portion of or the remainder of the hearing; or
- (b) adjourn the hearing to another day and specify that any person at the hearing, other than the inmate, not attend the resumed hearing.

44.5 Upon the conclusion of a hearing under subsection 44 (2) and upon consideration of the matters referred to in subsection 44 (1), the submissions of any victims made under section 44.1 or subsection 44.3 (1) and the arguments and submissions of the inmate, the Board may,

- (a) grant parole upon such terms and conditions as it considers necessary; or
- (b) refuse to grant parole,

and the Board shall notify the inmate of its decision and the reasons for the decision.

6. Subsection 62 (1) of the Regulation is revoked and the following substituted:

(1) In this section,

"victim" means a person who, as a result of the commission of any offence under the *Criminal Code* (Canada) by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the offence results in the death of the person, includes,

- (a) a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and
- (b) a dependant, spouse or same-sex partner of the person, all within the meaning of section 29 of the *Family Law Act*, but does not include a child, parent, dependant, spouse or same-sex partner who is charged with or has been convicted of committing the offence.

7. This Regulation comes into force on the later of the day this Regulation is filed and the day subsection 2 (1) of the *Victim Empowerment Act, 2002* comes into force.

pris en application de la

LOI SUR LE MINISTÈRE DES SERVICES CORRECTIONNELS

pris le 9 avril 2003
déposé le 14 avril 2003

modifiant le Règl. 778 des R.R.O. de 1990
(Dispositions générales)

Remarque : Le Règlement 778 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Le paragraphe 37 (2) du Règlement 778 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

(2) Après avoir étudié la demande de permission de sortir, le chef d'établissement, sous réserve de l'article 38 :

- a) soit autorise la sortie, avec ou sans conditions;
- b) soit refuse la demande de permission de sortir.

2. Le paragraphe 38 (4) du Règlement est abrogé et remplacé par ce qui suit :

(4) Après avoir étudié la demande de permission de sortir, la Commission ou le membre :

- a) soit autorise la sortie, avec ou sans conditions;
- b) soit refuse la demande de permission de sortir.

3. Le Règlement est modifié par insertion de l'article suivant immédiatement après l'intertitre «PARTIE II LIBÉRATION CONDITIONNELLE» :

40.1 La définition qui suit s'applique à la présente partie.

«victime»

- a) S'entend d'une victime au sens de l'article 36.1 de la Loi qui est la victime d'un détenu à l'égard de l'infraction relativement à laquelle il demande la libération conditionnelle;
- b) si la personne visée à l'alinéa a) a moins de 16 ans, s'entend également du père ou de la mère de celle-ci, au sens de l'article 1 de la *Loi sur le droit de la famille*, ou de son tuteur.

4. Le paragraphe 44 (3) du Règlement est abrogé.

5. Le Règlement est modifié par adjonction des articles suivants :

44.1 La victime du détenu peut, avant que la Commission ne tienne l'audience visée au paragraphe 44 (2), lui présenter des observations sous une forme qu'elle estime appropriée, notamment par écrit ou lors d'une entrevue en personne, par téléphone ou par un autre moyen de communication avec la Commission ou avec une ou plusieurs personnes désignées par le président de la Commission.

44.2 (1) La victime du détenu peut demander à la Commission d'autoriser sa présence à l'audience de libération conditionnelle du détenu.

(2) La Commission approuve la demande de la victime, sauf si, en se basant sur les conseils du chef d'établissement de l'établissement correctionnel où l'audience doit se tenir, elle détermine, selon le cas :

- a) que le temps qui reste avant l'audience est insuffisant pour :
 - (i) soit obtenir une autorisation de sécurité en vue de la présence à l'établissement correctionnel de la victime et de la personne qui l'aide,
 - (ii) soit prendre des dispositions pour que l'audience se tienne dans une salle pouvant accueillir toutes les personnes devant assister à l'audience;
- b) que la présence de la victime à l'audience pourrait compromettre la sécurité de l'établissement correctionnel ou de toute personne, y compris la victime.

(3) La victime dont la demande est rejetée par la Commission peut demander par écrit au président de la Commission de réexaminer la décision.

(4) Lorsqu'il reçoit une demande présentée en vertu du paragraphe (3), le président ou son délégué réexamine la décision et la confirme, l'infirme ou la modifie en se basant sur les conseils du supérieur du chef d'établissement de l'établissement correctionnel où l'audience doit se tenir.

(5) Si la Commission approuve la demande de la victime en vue d'assister à l'audience de libération conditionnelle, le détenu en est promptement avisé.

44.3 (1) La victime dont la présence à l'audience est autorisée peut y participer en présentant à la Commission des observations sur ce qui suit :

- a) les conséquences de l'infraction, au moment de sa commission, sur la victime et sur tout parent, conjoint ou partenaire de même sexe de celle-ci;
- b) les conséquences à long terme de l'infraction sur la victime et sur tout parent, conjoint ou partenaire de même sexe de celle-ci;
- c) les recommandations de la victime et de tout parent, conjoint ou partenaire de même sexe de celle-ci à l'égard de l'octroi de la libération conditionnelle au détenu et, si elle est accordée, des conditions qui devraient y être assorties pour protéger la victime et l'ensemble de la collectivité.

(2) La victime présente à l'audience de libération conditionnelle d'un détenu peut se faire aider par quiconque. Dans des circonstances exceptionnelles, la Commission peut l'autoriser à se faire aider par plus d'une personne.

(3) La personne qui se présente à une audience de libération conditionnelle pour aider une victime ne peut y participer qu'en faisant ce qui suit :

- a) traduire pour la victime;
- b) à la discrétion de la Commission, parler au nom de la victime ayant une incapacité mentale ou physique qui l'empêche de communiquer clairement.

(4) Les définitions qui suivent s'appliquent au paragraphe (1).

«conjoint» et «partenaire de même sexe» S'entendent au sens de l'article 29 de la *Loi sur le droit de la famille*. («spouse», «same-sex partner»)

«parent» Personne liée à la victime par le sang, le mariage ou l'adoption. («relative»)

44.4 Si, à quelque moment que ce soit durant l'audience visée au paragraphe 44 (2), la Commission estime que son déroulement normal est perturbé, elle peut, selon le cas :

- a) demander que quiconque, sauf le détenu, soit exclu de la salle d'audience pour une partie ou le reste de l'audience;
- b) la reporter à un autre jour et préciser que quiconque y est présent, sauf le détenu, en soit absent à sa reprise.

44.5 À l'issue de l'audience visée au paragraphe 44 (2) et après avoir examiné les questions visées au paragraphe 44 (1), les observations présentées par les victimes en vertu de l'article 44.1 ou du paragraphe 44.3 (1) et les arguments et observations du détenu, la Commission peut, selon le cas :

- a) accorder la libération conditionnelle aux conditions qu'elle estime nécessaires;
- b) refuser d'accorder la libération conditionnelle.

La Commission avise le détenu de sa décision et des motifs de celle-ci.

6. Le paragraphe 62 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) La définition qui suit s'applique au présent article.

«victime» S'entend de la personne qui, par suite de la commission par autrui d'une infraction au *Code criminel* (Canada), subit des maux d'ordre affectif ou physique ou une perte ou des dommages d'ordre matériel ou financier et, si la commission de l'infraction cause le décès de la personne, s'entend également des personnes suivantes :

- a) un enfant ou le père ou la mère de la personne, au sens de l'article 1 de la *Loi sur le droit de la famille*;
- b) une personne à charge, le conjoint ou le partenaire de même sexe de la personne, au sens de l'article 29 de la *Loi sur le droit de la famille*.

Sont toutefois exclus l'enfant, le père, la mère, la personne à charge, le conjoint ou le partenaire de même sexe qui sont inculpés ou ont été déclarés coupables de la commission de l'infraction.

7. Le présent règlement entre en vigueur le jour de son dépôt ou, s'il lui est postérieur, le jour de l'entrée en vigueur du paragraphe 2 (1) de la Loi de 2002 sur l'habilitation des victimes.

made under the

MINISTRY OF CORRECTIONAL SERVICES ACT

Made: April 14, 2003

Filed: April 16, 2003

Amending Reg. 778 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 778 has been amended by Ontario Regulation 151/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Part II of Regulation 778 of the Revised Regulations of Ontario, 1990 is amended by adding the following sections:

44.3.1 (1) Any person, other than a victim, may apply to the Board in writing if he or she wishes to attend an inmate's parole hearing as an observer.

(2) The Board may approve or deny a person's application to attend as an observer and, in making that decision, shall consider,

- (a) the views of any victim who has been permitted by the Board to attend the hearing; and
- (b) the need to preserve the confidentiality of information provided at the hearing and of the sources of that information.

(3) The Board shall not approve a person's application to attend as an observer if, based on the advice of the Superintendent of the correctional institution where the hearing is scheduled to take place, the Board determines that,

- (a) there is insufficient time before the hearing to obtain security clearance for the person to attend at the correctional institution;
- (b) the room in which the hearing is to be held does not have adequate space for the person to attend; or
- (c) the security of the correctional institution or the personal safety of any person, including the person who applied to attend as an observer, may be compromised by the person's attendance at the hearing.

(4) If the Board approves a person's application to attend a parole hearing as an observer, the inmate shall be promptly notified of the fact.

(5) If the Board denies a person's application to attend a parole hearing as an observer, it shall notify the person in writing of the denial and the reasons for it.

(6) There is no review or appeal from a decision of the Board under this section.

44.3.2 A person who has been given permission to attend a hearing as an observer may not participate in the hearing in any way.

44.3.3 A victim, a person who assists a victim or a person who attends a hearing as an observer shall not bring a camera or electronic recording device of any kind into the correctional institution or hearing room.

2. This Regulation comes into force on the later of October 20, 2003 and the day subsection 2 (2) of the *Victim Empowerment Act, 2002* is proclaimed in force.

RÈGLEMENT DE L'ONTARIO 152/03

pris en application de la

LOI SUR LE MINISTÈRE DES SERVICES CORRECTIONNELSpris le 14 avril 2003
déposé le 16 avril 2003modifiant le Règl. 778 des R.R.O. de 1990
(Dispositions générales)

Remarque : Depuis la fin de 2002, le Règlement 778 a été modifié par le Règlement de l'Ontario 151/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. La partie II du Règlement 778 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction des articles suivants :

44.3.1 (1) Toute personne, à l'exclusion d'une victime, peut demander à la Commission par écrit d'autoriser sa présence à titre d'observateur à l'audience de libération conditionnelle d'un détenu.

(2) La Commission peut approuver ou rejeter la demande présentée par la personne en vue d'assister à titre d'observateur et, pour prendre cette décision, tient compte de ce qui suit :

- a) le point de vue de toute victime que la Commission a autorisée à assister à l'audience;
- b) la nécessité de préserver la confidentialité des renseignements fournis à l'audience et des sources de ceux-ci.

(3) La Commission ne doit pas approuver la demande présentée par une personne en vue d'assister à titre d'observateur à une audience si, en se basant sur les conseils du chef d'établissement de l'établissement correctionnel où l'audience doit se tenir, elle détermine, selon le cas :

- a) que le temps qui reste avant l'audience est insuffisant pour obtenir une autorisation de sécurité en vue de la présence de la personne à l'établissement correctionnel;
- b) que la salle où l'audience doit se tenir ne dispose pas d'espace suffisant pour que la personne puisse y assister;
- c) que la présence de la personne qui a demandé à assister à titre d'observateur à l'audience pourrait compromettre la sécurité de l'établissement correctionnel ou de toute personne, y compris la sienne.

(4) Si la Commission approuve la demande présentée par une personne en vue d'assister à titre d'observateur à une audience de libération conditionnelle, le détenu en est promptement avisé.

(5) Si la Commission rejette la demande présentée par une personne en vue d'assister à titre d'observateur à une audience de libération conditionnelle, elle avise la personne par écrit du rejet et des motifs de celui-ci.

(6) Une décision rendue par la Commission en vertu du présent article ne peut faire l'objet d'une révision ou d'un appel.

44.3.2 La personne dont la présence à une audience à titre d'observateur est autorisée ne peut y participer d'aucune façon.

44.3.3 Une victime, une personne qui aide celle-ci ou une personne qui assiste à une audience à titre d'observateur ne doit pas apporter d'appareil photo, de caméra ou de dispositif d'enregistrement électronique de quelque genre que ce soit dans l'établissement correctionnel ou la salle d'audience.

2. Le présent règlement entre en vigueur le 20 octobre 2003 ou, s'il lui est postérieur, le jour où le paragraphe 2 (2) de la Loi de 2002 sur l'habilitation des victimes est proclamé en vigueur.

18/03

ONTARIO REGULATION 155/03

made under the

ONTARIO WATER RESOURCES ACT

Made: April 2, 2003

Filed: April 17, 2003

**USE OF WATER FROM THE NIAGARA ESCARPMENT
OR OAK RIDGES MORaine IN MANUFACTURING OR PRODUCTION**

Definitions

1. In this Regulation,

“Niagara Escarpment Planning Area” has the same meaning as in the *Niagara Escarpment Planning and Development Act*;

“Oak Ridges Moraine Area” has the same meaning as in the *Oak Ridges Moraine Conservation Act, 2001*.

Prohibited uses

2. No person shall use surface water or ground water taken from the Niagara Escarpment Planning Area or the Oak Ridges Moraine Area for any of the following purposes, if the person would require a permit under subsection 34 (3) of the Act to take the water:

1. Beverage manufacturing, including the manufacturing or production of bottled water or water in other containers.
2. Fruit or vegetable canning or pickling.
3. Ready-mix concrete manufacturing.
4. The manufacturing or production of products that contain some or all of the water that is taken.

Exceptions

3. (1) Section 2 does not apply to a person who uses the water for agricultural purposes, including aquaculture, nurseries, tree farms and sod farms.

(2) Section 2 does not apply to a person who has authority to take the water for a purpose described in section 2 pursuant to,

- (a) a permit that was issued under section 34 of the Act before the day this Regulation was filed; or
 - (b) a permit that was issued under section 34 of the Act on or after the day this Regulation was filed, if the application for the permit was received by the Director before March 1, 2003.
- (3) Section 2 does not apply to a person if,
- (a) on the day this Regulation was filed, the person held a permit issued under section 34 of the Act that authorized the taking of water for a purpose described in section 2;
 - (b) before the permit referred to in clause (a) expires, the person applies for a new permit under section 34 of the Act to authorize the taking of water from the same location and for the same purpose to which the permit referred to in clause (a) applied; and
 - (c) the person has authority to take the water for a purpose described in section 2 pursuant to a permit that is issued under section 34 of the Act pursuant to the application referred to in clause (b).
- (4) Subsection (3) applies even if the permit that is issued pursuant to the application referred to in clause (3) (b) authorizes the taking of more water than the permit referred to in clause (3) (a).

Issuance of permits

4. The Director shall not consider an application for or issue a permit under section 34 of the Act to authorize the taking of water for a purpose described in section 2 unless the application for the permit was received by the Director before March 1, 2003 or,

- (a) the application for the permit is made by a person who, on the day this Regulation was filed, held a permit issued under section 34 of the Act that authorized the taking of water for a purpose described in section 2;
- (b) the application referred to in clause (a) is made before the expiration of the permit that was held by the applicant on the day this Regulation was filed; and

- (c) the application referred to in clause (a) seeks a new permit under section 34 of the Act to authorize the taking of water from the same location and for the same purpose to which the permit that was held by the applicant on the day this Regulation was filed applied.

Application

5. This Regulation does not apply after August 31, 2003.

18/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—05—10

ONTARIO REGULATION 154/03

made under the

PLANNING ACT

Made: April 17, 2003

Filed: April 22, 2003

ZONING AREA — REGIONAL MUNICIPALITY OF DURHAM, PART OF THE CITY OF PICKERING

Definitions

1. In this Order,

“accessory”, when used to describe a use, building or structure, means a use, building or structure that is normally incidental or subordinate to the principal use, building or structure located on the same lot;

“agricultural related businesses” means those farm-related commercial and industrial uses that are small scale and directly related to farm operations and are generally in close proximity to farm operations, and includes but is not limited to,

- (a) stables,
- (b) riding academies,
- (c) animal hospitals
- (d) veterinary establishments, and
- (e) the sale by a farmer of his or her produce;

“agricultural uses” means such uses as are customarily carried out in the field of general agriculture, aquaculture, horticulture or silviculture and in accordance with normal farm practices and includes but is not limited to,

- (a) forestry and reforestation,
- (b) conservation uses and uses connected with the conservation of wildlife,
- (c) field crops,
- (d) market gardening,
- (e) greenhouses,
- (f) orchards,
- (g) aviaries,
- (h) apiaries,
- (i) mushroom farms,
- (j) production of eggs, cream and milk, and
- (k) farms for breeding, raising or training of livestock;

“dwelling unit” means one or more habitable rooms capable of being occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants;

“floor area” means the total area of all floors contained within the outside walls of a building, excluding in the case of a dwelling unit, the floor area of a private garage, porch, veranda, unfinished attic, basement or cellar;

“front lot line” means the lot line that divides a lot from a street, private right of way, Crown shoreline reserve or high-water mark of a river or lake, and

- (a) in the case of a corner lot, the shorter line that abuts a street, private right of way, Crown shoreline reserve or high-water mark of a river or lake shall be the front lot line, and

- (b) in the case of a lot that abuts both a street or private right of way and a Crown shoreline reserve or the high-water mark of a river or lake, the lot line abutting the Crown shoreline reserve or the high-water mark of a river or lake shall be the front lot line;

“front yard” means a yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building or structure on the lot;

“green-belt conservation uses” means forestry, reforestation, conservation and flood and erosion control uses;

“ground floor area” means the area of the lowest storey of a building or structure above grade, measured between the exterior faces of the exterior walls of the floor level of that storey;

“home occupation uses” means any occupation for gain or support conducted entirely within a dwelling unit by members of the household residing in the dwelling unit, if,

- (a) there is no external display or advertising other than a sign having a total display area not exceeding 0.2 square metres,
- (b) there is no external storage of goods or materials, and not more than 25 per cent of the total floor area is used for the home occupation use, and
- (c) there are no persons employed in the dwelling unit except,
 - (i) the members of the household residing in the dwelling unit, or
 - (ii) in the case of a dentist, physician or veterinarian, a staff of one person;

“household” means one or more persons living as a single housekeeping unit in one dwelling unit;

“lot” means a parcel of land,

- (a) described in a deed or other document legally capable of conveying land, or
- (b) shown as a lot or block on a registered plan of subdivision;

“lot area” means the total horizontal area within the lot lines of a lot;

“lot coverage” means the portion of the lot area covered by the ground floor area of all buildings and structures on a lot, and expressed as a percentage of the lot area;

“lot frontage” means,

- (a) the horizontal distance between parallel side lot lines of a lot, or
- (b) the distance between not parallel side lot lines of a lot measured on a line parallel to and 7.5 metres distant from the front lot line;

“minimum distance separation formulae” means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities and set out in the 1995 guidelines entitled “Minimum Distance Separation I (MDS I)” and “Minimum Distance Separation II (MDS II)” available from the Ministry of Agriculture and Food;

“public utilities” include the land buildings, structures and equipments required to administer and operate the utilities;

“rear lot line” means the lot line opposite the lot’s front lot line;

“rear yard” means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the principal building or structure on the lot;

“side lot line” means a lot line other than a front or rear lot line;

“side yard” means a yard between the nearest main wall of the principal building or structure on a lot and the side lot line extending from the front yard to the rear yard;

“single dwelling” means a building containing only one dwelling unit capable of being occupied as a permanent residence;

“street” means a public highway that is under the jurisdiction of the Province of Ontario, The Regional Municipality of Durham or the City of Pickering, or a street within a registered plan of subdivision;

“yard” means a space open from the ground to the sky unoccupied except for accessory buildings and structures, on a lot on which a principal building or structure is situated, and includes a front yard, side yard or rear yard.

Application

2. This Order applies to lands in the City of Pickering, in The Regional Municipality of Durham, in the Province of Ontario, being the lands outlined in red on a map numbered 210 identified by the Registrar of Regulations Office on April 22, 2003 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

3. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Access to street

4. Every use of land and every erection, location or use of a building or structure shall have direct access to a street.

Accessory buildings, structures and uses

5. In every zone, requirements for accessory buildings, structures and uses are as follows:

1. Except as provided in this Order, all accessory buildings or structures which are not part of the principal building shall be erected in the rear yard.
2. Accessory buildings or structures must be set back a minimum of 0.6 metres from all lot lines except,
 - i. accessory buildings or structures greater than 10 square metres in area shall be set back a minimum of 1.0 metre from all lot lines, or
 - ii. accessory buildings or structures greater than 1.8 metres in height shall be set back a minimum of 1.0 metre from all lot lines.
3. An accessory building or structure may be erected as part of the principal building, if all yard and area requirements of the zone are complied with.
4. The total lot coverage of all accessory buildings or structures, excluding private detached garages, shall not exceed 5 per cent of the total lot area.
5. Human habitation is not permitted in an accessory building or structure, except in an accessory building or structure that is used as temporary living accommodation for agricultural workers in the Agricultural Zone.

Public utilities

6. (1) Public utilities are permitted in every zone.

(2) Public utilities are subject to the requirements for principal buildings and structures in the zone in which they are located.

Minimum distance separation

7. In every zone, all uses of land and every erection, location or use of buildings or structures, including new or expanding livestock facilities, must comply with the minimum distance separation formulae.

Agricultural Zone

8. Every use of land and every erection, location or use of buildings or structures is prohibited in the Agricultural Zone, as shown on the map referred to in section 2, except,

- (a) agricultural uses;
- (b) single dwellings used in connection with an agriculture use;
- (c) home occupation uses;
- (d) agricultural related businesses;
- (e) single dwellings, not used in connection with an agricultural use, on lots that exist on the day this Order comes into force; and
- (f) accessory uses, buildings and structures associated with the uses permitted by clauses (a), (b), (d) and (e).

Agricultural uses

9. Requirements for buildings and structures permitted by clauses 8 (a) and (b) are as follows:

		Single Dwellings	Agricultural Uses
Lot frontage	Minimum	150 metres	150 metres
Lot area	Minimum	40 hectares	40 hectares
Front yard	Minimum	15 metres	15 metres
Rear yard	Minimum	15 metres	15 metres
Side yard	Minimum	6 metres	6 metres
Floor area	Minimum	139 square metres	Nil
Lot coverage	Maximum	Nil	20 per cent
Dwelling units per lot	Maximum	1	Nil

Agricultural related businesses

10. Requirements for buildings and structures permitted by clause 8 (d) are as follows:

Lot frontage	Minimum 60 metres
Lot area	Minimum 0.8 hectares
Front yard	Minimum 15 metres
Rear yard	Minimum 15 metres
Side yard	Minimum 6 metres
Lot coverage	Maximum 20 per cent

Single dwellings on existing lots

11. Requirements for buildings and structures permitted by clause 8 (e) are as follows:

Lot frontage	Minimum 60 metres
Lot area	Minimum 0.8 hectares
Front yard	Minimum 12 metres
Rear yard	Minimum 12 metres
Side yard	Minimum 3 metres
Floor area	Minimum 139 square metres
Lot coverage	Maximum 10 per cent
Dwelling units per lot	Maximum 1

Extensions or enlargements

12. A single dwelling or accessory building or structure located in the Agricultural Zone may be extended or enlarged provided that the resulting extended or enlarged single dwelling or accessory building or structure complies with all applicable yard and area requirements of the zone, including any applicable requirements set out in sections 5, 9 and 11.

Green-belt Conservation Zone

13. (1) Every use of land and every erection, location or use of buildings or structures is prohibited in the Green-belt Conservation Zone, as shown on the map referred to in section 2, except green-belt conservation uses, together with any buildings and structures accessory to flood and erosion control uses, excluding a dwelling unit.

(2) Buildings and structures shall be erected a minimum distance of 30.48 metres from any lot line.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on April 17, 2003.

19/03

made under the
CORPORATIONS TAX ACT

Made: April 22, 2003
Filed: April 23, 2003

**TAX INCENTIVE FOR INVESTING IN
ONTARIO JOBS AND OPPORTUNITY BONDS**

Tax incentive

1. The tax incentive to which a corporation is entitled under subsection 37.1 (2) of the Act in respect of the interest received or receivable by the corporation on an Ontario Jobs and Opportunity Bond in a taxation year is the deduction described in section 2.

Amount of deduction

2. (1) In computing its income from a business or property for a taxation year for the purposes of Part II of the Act, a corporation may deduct the amount calculated using the formula "A – B" in which,

"A" is the total of all amounts, each of which is interest in respect of an Ontario Jobs and Opportunity Bond that is included in computing the corporation's income for the taxation year under section 12 or subsection 20 (14) of the *Income Tax Act* (Canada), and

"B" is the total of all amounts, each of which is a deduction that is claimed by the corporation for the taxation year under subsection 20 (14) of the *Income Tax Act* (Canada) in respect of interest on an Ontario Jobs and Opportunity Bond that was included in income in the year.

(2) If a corporation is a member of a partnership at the end of a taxation year and the partnership owns an interest in an Ontario Jobs and Opportunity Bond in a fiscal period of the partnership that ends in the taxation year, the amount of the corporation's deduction under this section in respect of the interest on the Bond cannot exceed the amount that may reasonably be considered to be the share of the interest to which the corporation is entitled under the partnership agreement.

(3) No deduction may be claimed by a corporation under subsection 20 (21) of the *Income Tax Act* (Canada), as that subsection is made applicable for the purposes of the Act by subsection 11 (1) of the Act, in respect of interest on an Ontario Jobs and Opportunity Bond if the interest was included in income in the taxation year or in a preceding taxation year.

Information return, brokers and dealers of securities

3. (1) Every broker or dealer of securities shall give the Minister an information return respecting each corporation that maintains an account with the broker or dealer at any time in the year and owns an Ontario Jobs and Opportunity Bond at any time in the year through the account of the broker or dealer.

(2) The information return must be filed with the Minister in a form approved by the Minister.

(3) The information return must contain the following information:

1. The name and address of the corporation.

2. The amount of interest on any Bond owned by the corporation at any time in the year that is required to be reported in a return under subsection 201 (1) or (4) of the regulations made under the *Income Tax Act* (Canada).

3. If the corporation indicates to the broker or dealer that the corporation holds the Bond through a partnership, the following information in respect of the partnership:

i. The name and address of the partnership.

ii. The business number of the partnership issued by the Canada Customs and Revenue Agency, if available.

(4) The information return in respect of a year must be filed no later than the last day of February of the following year.

(5) The broker or dealer of securities shall also give the information contained in the information return to a corporation or partnership, to the extent that the information in the return relates to the corporation or partnership.

Information return, the Authority

4. (1) The Ontario Municipal Economic Infrastructure Financing Authority shall, either directly or through an agent, give the Minister an information return respecting each corporation that owns an Ontario Jobs and Opportunity Bond at any time in a year, if the ownership is reflected in the records of the Authority or its agent, unless the corporation purchased the Bond from a broker or dealer of securities.

- (2) The information return must be filed with the Minister in a form approved by the Minister.
- (3) The information return must contain the following information:
 1. The name and address of the corporation.
 2. The amount of interest on any Bond owned by the corporation at any time in the year that is required to be reported in a return under subsection 201 (1) or (4) of the regulations made under the *Income Tax Act* (Canada).
 3. If the corporation indicates to the Authority that the corporation holds the Bond through a partnership, the following information in respect of the partnership:
 - i. The name and address of the partnership.
 - ii. The business number of the partnership issued by the Canada Customs and Revenue Agency, if available.
- (4) The information return in respect of a year must be filed no later than the last day of February of the following year.
- (5) The Ontario Municipal Economic Infrastructure Financing Authority shall also give the information contained in the information return to a corporation or partnership, to the extent that the information in the return relates to the corporation or partnership.

Late returns

5. The Minister may accept an information return that is not filed on time,
 - (a) if the information return is filed no later than two years after the last date by which it is required to be filed under this Regulation; and
 - (b) if the Minister is satisfied that the person or entity was unable to file the information return at an earlier time for reasons beyond the control of the person or entity.

Commencement

6. This Regulation comes into force on the day section 40 of the *Keeping the Promise for a Strong Economy Act (Budget Measures), 2002* is proclaimed in force.

JANET LYNNE ECKER
Minister of Finance

Dated on April 22, 2003.

19/03

ONTARIO REGULATION 156/03

made under the

INCOME TAX ACT

Made: April 22, 2003

Filed: April 23, 2003

**TAX INCENTIVE FOR INVESTING IN
ONTARIO JOBS AND OPPORTUNITY BONDS****SKIP TABLE OF CONTENTS****CONTENTS****ENTITLEMENT AND PAYMENT**

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ENTITLEMENT AND PAYMENT

Tax incentive

1. The tax incentive to which an eligible individual is entitled under section 8.9 of the Act is the amount of the refund payable under section 5 of this Regulation in respect of the individual's deemed overpayment of tax, if any, as calculated under section 3 in respect of Ontario Jobs and Opportunity Bonds.

Eligible individual

2. An individual is an eligible individual for a taxation year for the purposes of the tax incentive if the following conditions are satisfied:

- 1. The individual is resident in Ontario on the last day of the taxation year.
- 2. The individual has filed a return of income under the Act and the Federal Act for the taxation year and has included in computing income for the taxation year interest in respect of an Ontario Jobs and Opportunity Bond under section 12 or 20 of the Federal Act.
- 3. The individual is subject to tax under the Act for the taxation year.

Deemed overpayment of tax

3. (1) The amount of an eligible individual's deemed overpayment of tax for a taxation year in respect of an Ontario Jobs and Opportunity Bond is the amount by which "A" exceeds "B" where,

"A" is the amount of tax payable under the Act by the individual for the taxation year before any refund under this Regulation and after any refund under section 8.7 of the Act, and

"B" is the individual's adjusted tax amount for the taxation year as described in subsection (2).

(2) An individual's adjusted tax amount for a taxation year is the amount of tax that would be payable by the individual under the Act for the year if the individual's taxable income for the year were equal to the individual's adjusted taxable income described in subsection (3).

(3) An individual's adjusted taxable income for a taxation year is the amount determined by deducting from the individual's taxable income for the year the amount that is the total of,

- (a) the amount, if any, deducted from the individual's taxable income under subsection 8.7 (5) of the Act in determining the individual's adjusted taxable income under section 8.7 of the Act; and
- (b) subject to subsection (4), the amount that is calculated using the formula "C – D" in which,

"C" is the total of all amounts, each of which is interest in respect of an Ontario Jobs and Opportunity Bond that is included in computing the individual's income for the taxation year under section 12 or subsection 20 (14) of the Federal Act, and

"D" is the total of all amounts, each of which is a deduction that is claimed by the individual for the taxation year under subsection 20 (14) or (21) of the Federal Act in respect of interest received or receivable on an Ontario Jobs and Opportunity Bond that was included in income in the year or in a preceding taxation year.

(4) If an individual owns Ontario Jobs and Opportunity Bonds through a partnership, the total of all amounts calculated under clause (3) (b) in respect of those Bonds shall not exceed the amount that is reasonably considered to be the partner's share of the net income, if any, of the partnership for the fiscal year of the partnership ending in the taxation year.

Notice of entitlement

4. (1) If the Provincial Minister determines that an individual is entitled to a refund of a deemed overpayment of tax in respect of an Ontario Jobs and Opportunity Bond, the Minister shall send a notice of entitlement to the individual.

(2) The notice of entitlement must set out the following information:

1. The amount of the refund.
2. The basis on which the Provincial Minister determined that the individual is entitled to the refund.
3. Information about the individual's right to object to the notice of entitlement.
- (3) The day on which the notice of entitlement is mailed shall be deemed to be the date of the notice.

Payment of refund

5. (1) The Provincial Minister shall pay a refund to an eligible individual in the amount of the individual's deemed overpayment of tax, if any, in respect of interest earned from Ontario Jobs and Opportunity Bonds if the Provincial Minister is satisfied that the individual is entitled to it.

(2) No refund may be paid to an individual until all information returns and applications required to be filed by or in respect of the individual under this Regulation have been filed.

(3) For the purposes of section 164 of the Federal Act, as it applies for the purposes of the *Income Tax Act*,

- (a) an eligible individual shall be deemed to have made an overpayment on account of tax payable under the Act for a taxation year in the amount of the individual's tax overpayment, if any, for the year as calculated under section 3; and
- (b) a refund paid under this section is a refund of tax under the Act.

APPLICATIONS AND RETURNS

Application for refund, partnership

6. (1) A partnership that owns an Ontario Jobs and Opportunity Bond in a fiscal period of the partnership shall apply to the Provincial Minister on behalf of the partners who are individuals for a refund of the deemed overpayment of tax, if any, in respect of the Bond.

(2) The application must be filed with the Provincial Minister in a form approved by the Minister.

(3) The application must set out the following information:

1. The name, address and fiscal period of the partnership.
2. The business number of the partnership issued by the Canada Customs and Revenue Agency, if available.
3. The name, address and Social Insurance Number of every partner who is an individual.
4. The principal amount of any Ontario Jobs and Opportunity Bonds owned by the partnership on the last day of the fiscal period.
5. The amount of interest on a Bond owned by the partnership in the fiscal period that is required to be reported in a return under subsection 201 (1) or (4) of the Federal Regulations.
6. For each partner who is an individual, the partner's share of the interest for the fiscal period earned from a Bond owned by the partnership.
7. The net income or net loss of the partnership for the fiscal period as determined under section 96 of the Federal Act and, for each partner who is an individual, the amount of the partner's share of the net income or net loss.

(4) The application must be accompanied by such forms as the Provincial Minister may specify to verify that a partner is an eligible individual and to verify the amount of the refund, if any, that the partner is entitled to receive.

(5) An application in respect of a fiscal period of a partnership that ends before July of a year must be filed no later than the last day of October of the same year; an application in respect of a fiscal period of a partnership that ends after June of a year must be filed no later than the last day of August of the following year.

(6) A partnership that is required to make an application under this section shall give the information contained in the application to each partner who is an individual, to the extent that the information relates to that partner.

Application for refund, trust

7. (1) A trust that owns an Ontario Jobs and Opportunity Bond in a year shall apply to the Provincial Minister for a refund of the deemed overpayment of tax, if any, in respect of the Bond.

(2) The application must be filed with the Provincial Minister in a form approved by the Minister.

(3) The application must set out the following information:

1. The name, address and taxation year of the trust.
2. The account number of the trust issued by the Canada Customs and Revenue Agency.
3. The principal amount of any Ontario Jobs and Opportunity Bonds owned by the trust on the last day of the year.

subsection 201 (1) or (4) of the Federal Regulations.

5. The amount of interest on a Bond that is required under sections 12 or 20 of the Federal Act to be included in computing the income of the trust for the taxation year.
6. The amount of any deduction claimed by the trust under subsection 20 (14) or (21) of the Federal Act in computing the income of the trust for the year in respect of interest on a Bond.
7. A copy of the T3 tax and information return filed by the trust for the year under the Federal Act.
8. A copy of the T3ON tax and information return filed by the trust for the year for the purposes of determining the amount of tax payable by the trust under the Act for the year.
9. A copy of the Notice of Assessment and any Notice of Reassessment issued by the Canada Customs and Revenue Agency in respect of the trust for the year.

(4) The application must be accompanied by such forms as the Provincial Minister may specify to verify that the trust is an eligible individual and to verify the amount of the refund, if any.

(5) An application in respect of a taxation year of a trust must be filed no later than the last day of August of the year following the year in which the taxation year ends.

(6) A trust that is required to make an application under this section shall give the Provincial Minister without delay a copy of any Notice of Reassessment issued by the Canada Customs and Revenue Agency after the date of the application in respect of the trust for the year.

Information return, brokers and dealers of securities

8. (1) Every broker or dealer of securities shall give the Provincial Minister an information return respecting each individual,

- (a) who maintains an account with the broker or dealer at any time in the year; and
- (b) who owns an Ontario Jobs and Opportunity Bond through the account of the broker or dealer at any time in the year.

(2) The information return must be filed with the Provincial Minister in a form approved by the Minister.

(3) The information return must contain the following information:

1. The name and address of the individual.
2. The Social Insurance Number of the individual.
3. The amount of interest on any Bond owned by the individual at any time in the year that is required to be reported in a return under subsection 201 (1) or (4) of the Federal Regulations.
4. If the individual indicates to the broker or dealer that the individual holds the Bond through a partnership, the following information in respect of the partnership:
 - i. The name and address of the partnership.
 - ii. The business number of the partnership issued by the Canada Customs and Revenue Agency, if available.
 - iii. If the business number described in subparagraph ii is not available, the Social Insurance Number, if available, of at least one partner who is an individual.

(4) The information return in respect of a year must be filed no later than the last day of February of the following year.

(5) The broker or dealer of securities shall also give the information contained in the information return to an individual or partnership, to the extent that the information in the return relates to the individual or partnership.

Information return, the Authority

9. (1) The Ontario Municipal Economic Infrastructure Financing Authority shall, either directly or through an agent, give the Provincial Minister an information return respecting each individual who owns an Ontario Jobs and Opportunity Bond at any time in a year and whose ownership is reflected in the records of the Authority or its agent, unless the individual purchased the Bond from a broker or dealer of securities.

(2) The information return must be filed with the Provincial Minister in a form approved by the Minister.

(3) The information return must contain the following information respecting the individual and the individual's Ontario Jobs and Opportunity Bonds:

1. The name and address of the individual.
2. The Social Insurance Number of the individual.

3. If the individual advises the Authority that the individual is a trust, the account number of the trust issued by the Canada Customs and Revenue Agency, if available.
4. The amount of interest on any Bond that an individual owns at any time in the year that is required to be reported in a return under subsection 201 (1) or (4) of the Federal Regulations.
5. Information sufficient to enable the Provincial Minister to make the payment described in section 5 to the individual by direct deposit to an account with a financial institution.
6. If the individual indicates to the Authority that the individual holds the Bond through a partnership, the following information in respect of the partnership:
 - i. The name and address of the partnership.
 - ii. The business number of the partnership issued by the Canada Customs and Revenue Agency, if available.
 - iii. If the business number described in subparagraph ii is not available, the Social Insurance Number, if available, of at least one partner who is an individual.
- (4) The information return in respect of a year must be filed no later than the last day of February of the following year.

(5) The Ontario Municipal Economic Infrastructure Financing Authority shall, either directly or through an agent, also give the information contained in the information return to an individual or partnership, to the extent that the information in the return relates to the individual or partnership.

Late filings

10. The Provincial Minister may accept an application or an information return that is not filed on time,
 - (a) if the application or the information return is filed no later than two years after the last date by which it is required to be filed under this Regulation; and
 - (b) if the Provincial Minister is satisfied that the person or entity was unable to file the application or the information return at an earlier time for reasons beyond the control of the person or entity.

ADMINISTRATION

Provincial Minister's right of set-off

11. (1) If an individual who is entitled to a refund of a deemed overpayment of tax in respect of an Ontario Jobs and Opportunity Bond is liable or is about to become liable to make a payment to the Crown in right of Ontario, the Provincial Minister may apply to that liability all or part of the refund and any interest payable in respect of the refund, instead of paying the refund and interest to the individual.

(2) If an individual's refund for a taxation year is paid or applied to a liability of the individual, the Provincial Minister shall pay or apply interest on the refund at the rate determined under section 12 for the period that begins on the day that is 45 days after the day that is the balance-due day of the taxpayer for the taxation year for the purposes of the Federal Act and that ends on the day when the refund is paid or applied.

(3) An individual who receives a refund, or interest on a refund, to which the individual is not entitled, or who receives an amount greater than the amount to which the individual is entitled, shall repay the amount or the excess amount, as the case may be, to the Provincial Minister.

(4) Amounts repayable under subsection (3) bear interest in accordance with section 12 and may be collected as tax payable under the Act.

Rates of interest

12. (1) In this section,

"adjustment date" means January 1, April 1, July 1 or October 1.

(2) The rate of interest for a particular date is determined in accordance with the following rules for the purposes of this Regulation:

1. The rate of interest payable by an individual in respect of a particular date is the annual interest rate that is three percentage points higher than the base rate of interest that is in effect on that date, as determined under paragraphs 4 to 6.
2. The rate of interest payable or to be applied by the Provincial Minister in respect of a particular date is the annual interest rate that is two percentage points lower than the base rate of interest that is in effect on that date, as determined under paragraphs 4 to 6.
3. For interest that is calculated by reference to an overpayment of tax that is attributable to a decision of the Provincial Minister or of a court on an objection to, or an appeal from, an assessment or a determination, the rate of interest

4. The base rate of interest that is in effect on a particular date is the following:

- i. If the particular date is an adjustment date, the base rate that is in effect is the base rate for the adjustment date as determined under paragraph 5.
- ii. In any other case, the base rate that is in effect is the base rate for the last adjustment date before the particular date, as determined under paragraph 5.

5. The base rate of interest for an adjustment date is equal to the average prime rate, as determined under paragraph 6, that is in effect on,

- i. October 15 of the previous year, if the adjustment date is January 1,
- ii. January 15 of the same year, if the adjustment date is April 1,
- iii. April 15 of the same year, if the adjustment date is July 1, and
- iv. July 15 of the same year, if the adjustment date is October 1.

6. The average prime rate that is in effect on a particular date is the mean, rounded to the nearest whole percentage point, of the annual rates of interest announced by each of The Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by the bank in Canada.

Commencement

13. This Regulation comes into force on the day section 112 of the *Keeping the Promise for a Strong Economy Act (Budget Measures), 2002* is proclaimed in force.

JANET LYNNE ECKER
Minister of Finance

Dated on April 22, 2003.

19/03

ONTARIO REGULATION 157/03

made under the

MUNICIPAL ACT, 2001

Made: April 24, 2003
Filed: April 25, 2003

CROSS BORDER LEASES RELATING TO TORONTO TRANSIT

Definitions

1. In this Regulation,

“City” means the City of Toronto;

“cross border lease” means a lease described in subsection 2 (1);

“hedging agreement” means an agreement defined in subsection 5 (1);

“related service agreement” means an agreement described in section 4.

Application

2. (1) This Regulation applies to a lease of subway cars from another party by the City under subsection 110 (1) of the Act if,

- (a) the lease is part of a financing arrangement for subway cars to be used by the Toronto Transit Commission that arises out of the City's Request for Proposals #9162-00-7007; and
 - (b) payments under the lease are expressed and payable partially or wholly in at least one of the foreign currencies set out in the Schedule.
- (2) A cross border lease is prescribed, for the purpose of section 110 of the Act, as a category of lease which the City may enter and under which payments may be expressed and payable in a foreign currency set out in the Schedule.

Conditions for cross border leases

3. (1) The City shall enter a cross border lease only if,
- (a) the City enters one or more hedging agreements made in accordance with section 5 in relation to the lease; and
 - (b) all of the City's long-term debt obligations are rated, on the date the City enters into the lease,
 - (i) by Dominion Bond Rating Service Limited or any successor of that corporation as "AA(Low)" or higher,
 - (ii) by Moody's Investors Service, Inc. or any successor of that corporation as "Aa3" or higher, or
 - (iii) by Standard and Poor's or any successor of that entity as "AA-" or higher.

(2) The City shall use any amount received by it from a cross border lease or other transaction authorized under this Regulation for the purposes of the Toronto Transit Commission or of a local passenger transportation system if the amount is not needed to pay for the obligations of the City under the lease or transaction or for expenses of the City related to the lease or transaction.

Related service agreement

4. (1) A related service agreement shall,
- (a) have as its primary purpose to ensure that a service provider named in the agreement will operate and maintain the subway cars and related property that are the subject of the cross border lease to which the service agreement is related once the lease is terminated;
 - (b) be referred to in the cross border lease described in section 2 as an agreement that may come into existence at the end of the term of the lease; and
 - (c) provide that payments made by the City under the agreement are expressed and payable in the same foreign currency as is provided for under the cross border lease.

(2) A related service agreement made by the City is prescribed, for the purposes of section 401 of the Act, as a financial agreement that the City may enter in relation to a debt in respect of the financing of the subway cars and related property to which the agreement relates.

(3) A related service agreement made by the City is deemed to be a debenture for the purposes of section 411 of the Act and may require that payments made under the agreement be expressed and made in a foreign currency set out in the Schedule.

(4) For greater certainty, a regulation made under section 411 of the Act with respect to debentures shall not apply to a related service agreement that is deemed to be a debenture under subsection (3).

- (5) The City may enter a related service agreement only if,
- (a) the City enters one or more hedging agreements made in accordance with section 5 in relation to the agreement; and
 - (b) all of the City's long-term debt obligations are rated, on the date the City enters into the lease,
 - (i) by Dominion Bond Rating Service Limited or any successor of that corporation as "AA(Low)" or higher,
 - (ii) by Moody's Investors Service, Inc. or any successor of that corporation as "Aa3" or higher, or
 - (iii) by Standard and Poor's or any successor of that entity as "AA-" or higher.

Hedging agreements

5. (1) In this section,

"hedging agreement" means an agreement to minimize the risks associated with making payments in a foreign currency under a cross border lease or any related service agreement and to minimize any costs associated with the making of such payments, and includes a foreign currency exchange agreement, deposit agreement and pledge, payment undertaking, assumption agreement, forward payment agreement, payment arrangement agreement and any other similar financial instrument;

"payment arrangement agreement" means a hedging agreement entered into in connection with a cross border lease or a related service agreement under which either or both of the following are provided for:

agreement, shall be made to the lessor under the lease or to the service provider named in the related service agreement by a person named in the payment arrangement agreement on behalf of the City at the times the lease or related service agreement payments are due.

2. Funds or securities are set aside for the sole purpose of allowing the City, or a person on the City's behalf, to make all or part of the payments that the City is required to make under the lease or related service agreement at the times they are due under the lease or related service agreement, where the funds or securities set aside are to be,

- i. in the same currency as the currency in which the payments are required to be made under the lease or the related service agreement, and
- ii. in an amount which, together with interest earnings on such funds or securities, will be sufficient to make the payments.

(2) A hedging agreement made by the City in connection with a cross border agreement or a related service agreement is prescribed, for the purposes of section 401 of the Act, as a financial agreement that a municipality may enter in relation to a debt that arises out of cross border lease agreement or a related service agreement.

(3) A hedging agreement made by the City in connection with a cross border agreement or a related service agreement is deemed to be a debenture for the purposes of section 411 of the Act and may require that payments made under the hedging agreement be expressed and made in a foreign currency set out in the Schedule.

(4) For greater certainty, a regulation made under section 411 of the Act with respect to debentures shall not apply to a hedging agreement that is deemed to be a debenture under subsection (3).

(5) Despite subsection (3), a hedging agreement, other than a hedging agreement referred to in subsection (6), shall require that any payments of fixed unconditional amounts made by the City shall be expressed and payable in Canadian currency.

(6) A hedging agreement may provide for payments of fixed unconditional amounts to be expressed and payable in a foreign currency set out in the Schedule if,

- (a) the hedging agreement provided for, or was conditional on, the City receiving an amount in the particular foreign currency that is equal to the total amount of such payments the City is required to make under the agreement prior to the beginning of the payment obligations under the agreement; or
- (b) the hedging agreement is a payment arrangement agreement.

(7) A cross border lease and all the hedging agreements entered into in connection with the cross border lease, when read together, shall provide for the reduction of currency risk with respect to the entire amount of fixed unconditional payments under the lease.

(8) A related service agreement and all the hedging agreements entered into in connection with the related service agreement, when read together, shall provide for the reduction of currency risk with respect to the entire amount of fixed unconditional payments under the agreement.

Conditions for hedging agreement

6. (1) The City may only enter a hedging agreement with,

- (a) a person who has one or more debt obligations which on the date the agreement is entered are rated,
 - (i) by Dominion Bond Rating Service Limited or any successor of that corporation as "AA(Low)" or higher,
 - (ii) by Moody's Investors Service, Inc. or any successor of that corporation as "Aa3" or higher, or
 - (iii) by Standard and Poor's or any successor of that entity as "AA-" or higher; or
- (b) a person whose obligations under the agreement are unconditionally guaranteed by a person described in clause (a).

(2) The City shall enter a hedging agreement in connection with a cross border lease or a related service agreement within five business days after the day the lease or related service agreement is made.

(3) The City may enter a hedging agreement to replace an existing hedging agreement made in connection with a cross border lease or a related service agreement only if,

- (a) a person, other than the City, who is a party to the first hedging agreement or an assignee of that person,
 - (i) becomes bankrupt within the meaning of the *Bankruptcy and Insolvency Act* (Canada);
 - (ii) no longer meets the requirements of subsection (1),
 - (iii) defaults under the agreement, or
 - (iv) assigns the agreement or rights under the agreement to any person without the consent of the City; or

- (b) in the opinion of the City's treasurer, the creditworthiness of a person, other than the City, who is a party to the agreement or an assignee of such a party has deteriorated or is reasonably likely to deteriorate.

Indemnity

7. The City shall not enter into a cross border lease or a related service agreement that provides that the City may indemnify a person for taxes payable by that person in respect of payments made by the City under the lease or agreement unless the City first obtains legal or financial advice addressing whether the proposed indemnity provisions are consistent with tax indemnity provisions in comparable commercially available cross border leasing or related servicing arrangements.

City debt and financial obligation limit

8. The City's treasurer shall not include the amounts payable in any given year under a cross border lease or a related service agreement in the update of its debt and financial obligation limit under subsection 4 (2) of Ontario Regulation 403/02 or in the calculation performed under subsection 4 (3) of that regulation if the treasurer has in a previous year included in an update or calculation under those subsections the annual amounts payable under another method of financing for the subway cars that are the subject matter of the cross border lease or related service agreement.

Report to council

9. (1) If the City has a cross border lease or related service agreement in effect in a fiscal year, or any subsisting hedging agreement in connection with such a lease or agreement, the treasurer of the City shall prepare and present to the municipal council once in that fiscal year, or more frequently if the municipal council so desires, a detailed report on the cross border lease, related service agreement or hedging agreement, as the case may be.

(2) The cross border lease report referred to in subsection (1) shall contain,

- (a) a description of the estimated proportion of the total financing arrangements of the City that is undertaken through cross border leases or related service agreements to the total long term debt of the City and a description of the change, if any, in that estimated proportion since the previous year's report; and
- (b) such other information that the council may require or that, in the opinion of the City's treasurer, should be included.

SCHEDULE

FOREIGN CURRENCIES

1. Dollars of Australia.
2. Yen of Japan.
3. Francs of Switzerland.
4. Sterling money of the United Kingdom.
5. Dollars of the United States of America.
6. The euro currency adopted by member states of the European Union.

19/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—05—17

ONTARIO REGULATION 158/03

made under the

EVIDENCE ACT

Made: December 11, 2002

Filed: April 28, 2003

CERTIFICATION OF RECORDINGS AND TRANSCRIPTS

Application

1. This Regulation applies to proceedings in the Court of Appeal, the Superior Court of Justice and the Ontario Court of Justice.

Definitions

2. In this Regulation,

“approved device” means a device for recording sound of a type approved by the Attorney General, as mentioned in subsection 5 (1) of the Act.

Certification of recordings

3. (1) A recording made under subsection 5 (1) of the Act by means of an approved device shall be certified in Form 1 by a person who,

(a) is authorized to record evidence and proceedings under subsection 5 (1) of the Act; and

(b) is in charge of the approved device while the recording is being made.

(2) The certificate in Form 1 is admissible in evidence and is proof, in the absence of evidence to the contrary, that the recording is a recording of evidence and proceedings in the proceeding.

Certification of transcripts

4. (1) A transcript made under subsection 5 (2) of the Act from a recording made under subsection 5 (1) of the Act by means of an approved device shall be certified in Form 2 by the person who transcribes the recording.

(2) The person who transcribes the recording and certifies the transcript shall be a person who is trained and qualified to transcribe recordings and is a member of a class of persons who are authorized to do so by the Attorney General, but need not be the same person who is in charge of the approved device while the recording is being made.

(3) The certificate in Form 2 is admissible in evidence and is proof, in the absence of evidence to the contrary, that the transcript is a transcript of a recording of evidence and proceedings in the proceeding.

Form 1

Evidence Act

subsection 5 (1)

CERTIFICATE OF RECORDING

I, _____, certify that Recording No. _____
(Please print name of authorized person)
is the recording of the evidence and proceedings in the _____
(Name of Court)
held at _____ on _____
(Court address) (day, month, year)
and that I was in charge of the sound recording device during those proceedings.

Form 2*Evidence Act*

subsection 5 (2)

CERTIFICATE OF TRANSCRIPT

I, we _____, certify that

(Please print name of authorized person(s))
 this document is a true and accurate transcript of the recording of _____

(Case name) in the _____
(Name of Court)
 held at _____ taken from Recording No. _____

(Court address)

(Date) _____

(Signature of authorized person(s))

RÈGLEMENT DE L'ONTARIO 158/03

pris en application de la

LOI SUR LA PREUVE

pris le 11 décembre 2002

déposé le 28 avril 2003

CERTIFICATION DES ENREGISTREMENTS ET DES TRANSCRIPTIONS**Champ d'application**

1. Le présent règlement s'applique aux instances qui se déroulent devant la Cour d'appel, la Cour supérieure de justice et la Cour de justice de l'Ontario.

Définition

2. La définition qui suit s'applique au présent règlement.

«appareil approuvé» Appareil d'enregistrement sonore d'un type qu'approuve le procureur général, comme le mentionne le paragraphe 5 (1) de la Loi.

Certification des enregistrements

3. (1) L'enregistrement fait en vertu du paragraphe 5 (1) de la Loi au moyen d'un appareil approuvé est certifié conforme selon la formule 1 par la personne qui :

- a) d'une part, est autorisée à enregistrer la preuve et le déroulement d'une instance en vertu du paragraphe 5 (1) de la Loi;
- b) d'autre part, a la responsabilité de l'appareil approuvé pendant l'enregistrement.

(2) Le certificat rédigé selon la formule 1 est admissible en preuve et constitue, en l'absence de preuve contraire, la preuve que l'enregistrement est un enregistrement de la preuve et du déroulement de l'instance.

Certification des transcriptions

4. (1) La transcription faite en vertu du paragraphe 5 (2) de la Loi à partir d'un enregistrement fait en vertu du paragraphe 5 (1) de la Loi au moyen d'un appareil approuvé est certifiée conforme selon la formule 2 par la personne qui transcrit l'enregistrement.

(2) La personne qui transcrit l'enregistrement et qui certifie conforme la transcription est une personne qui a les qualités requises pour transcrire des enregistrements et a reçu une formation à cet effet et qui fait partie d'une catégorie de personnes autorisées à ce faire par le procureur général, mais n'a pas besoin d'être la même personne que celle qui a la responsabilité de l'appareil approuvé pendant l'enregistrement.

3.
que la transcription est une transcription de l'enregistrement de la preuve et du déroulement de l'instance.

Formule 1

Loi sur la preuve

paragraphe 5 (1)

CERTIFICAT D'ENREGISTREMENT

Je soussigné(e), , certifie que l'enregistrement n°
(nom de la personne autorisée - en lettres moulées)
est l'enregistrement de la preuve et du déroulement de l'instance tenue
devant le/la

(nom du tribunal)

à/au

(adresse du tribunal)

le

(jour, mois, année)

et que j'avais la responsabilité de l'appareil d'enregistrement sonore pendant cette instance.

Formule 2

Loi sur la preuve

paragraphe 5 (2)

CERTIFICAT DE TRANSCRIPTION

Je/Nous soussigné(e)(s), , certifie/certifions que
(nom(s) de la ou des personnes autorisées - en lettres moulées)
le présent document est une transcription exacte et fidèle de l'enregistrement de

portée
devant le

(intitulé de la cause)

(nom du tribunal)

à/au

(adresse du tribunal)

tirée de l'enregistrement n°

.....
(date)

.....
(signature de la ou des personnes autorisées)

20/03

ONTARIO REGULATION 159/03

made under the

LIQUOR LICENCE ACT

Made: April 24, 2003

Filed: April 28, 2003

Amending Reg. 718 of R.R.O. 1990
(General)

Note: Regulation 718 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 6 of Regulation 718 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(3.2) Subsections 30 (1), (2) and (8) of the Act do not apply to prevent the possession, service and consumption of liquor by a person who is at least 18 years of age for purposes of the education and training described in clause (2) (a.1).

20/03

ONTARIO REGULATION 160/03

made under the

PUBLIC SERVICE ACT

Made: April 8, 2003
Approved: April 24, 2003
Filed: April 28, 2003

Amending Reg. 977 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 977 has been amended by Ontario Regulation 59/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 10.5 (1) of Regulation 977 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(1) An employee who is entitled to receive compensation under section 10.9 or 10.9.1 (overtime during an emergency) is not entitled to receive compensation under any other section for the same period of work.

2. (1) Subsection 10.9 (6) of the Regulation is revoked and the following substituted:

(6) For the purposes of this section, a full-time employee is considered to be working overtime as a result of, and during, an emergency when he or she works more than 8 hours in a 24-hour period or works on a scheduled day off.

(2) Subsection 10.9 (8) of the Regulation is revoked and the following substituted:

(8) If the employee's supervisor authorizes an employee to work overtime as a result of, and during, the emergency, the employee is entitled to receive overtime credit calculated at time-and-a-half for the authorized overtime that the employee works.

3. The Regulation is amended by adding the following section:

OVERTIME AND THE SARS EMERGENCY

10.9.1 (1) This section applies, and section 10.9 does not apply, if Management Board of Cabinet declares an emergency relating to severe acute respiratory syndrome to be an emergency requiring extraordinary measures to protect public health, public safety or property.

(2) The following full-time employees are entitled to compensation under this section when they work overtime as described in subsection (4) as a result of, and during, the SARS emergency:

1. Those employed in a class of position set out in Schedule 6 that falls within the Management Compensation Plan, but not those employed in a position listed in Schedule 8.
2. Those employed in the Senior Management Group 1 or 2 classes, but not in the Senior Management Group 1 (Seventh Unit) XCMC1 or Senior Management Group 2 (Seventh Unit) XSMC2 classes.
3. Those employed in the Information Technology Executive ITX1 or 2 classes.

(3) The amount and form of compensation are determined under this section.

(4) Subsections 10.9 (6) and (7) apply for the purpose of determining whether an employee is working overtime.

(5) If the employee's supervisor authorizes an employee to work overtime as a result of, and during, during the SARS emergency, the employee is entitled to receive overtime credit calculated at time-and-a-half for the authorized overtime that the employee works.

(6) Subsection 10.9 (9) applies for the purpose of determining the compensation to which an employee is entitled for overtime credit he or she receives under this section.

“SARS emergency” means an emergency declared by Management Board of Cabinet as described in subsection (1) relating to severe acute respiratory syndrome.

CIVIL SERVICE COMMISSION:

KATHRYN A. BOUEY
Chair

MORAG MCLEAN
Secretary

Dated on April 8, 2003.

20/03

ONTARIO REGULATION 161/03

made under the

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Made: April 24, 2003
Filed: April 28, 2003

Amending Reg. 460 of R.R.O. 1990
(General)

Note: Regulation 460 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Schedule to Regulation 460 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

SCHEDULE

ITEM	COLUMN 1 Institution	COLUMN 2 Head
1.	Accessibility Advisory Council of Ontario	Minister of Citizenship
2.	Advertising Review Board	Chair of Management Board of Cabinet
3.	Advisory Committee on Screening for Inherited Diseases in Infants	Minister of Health and Long-Term Care
4.	Advisory Council on Special Education	Minister of Education
5.	Agricorp	Chair of the Board
6.	Agricultural Rehabilitation and Development Directorate	Minister of Agriculture and Food
7.	Agricultural Research Institute of Ontario	Minister of Agriculture and Food
8.	Agriculture, Food and Rural Affairs Appeal Tribunal	Minister of Agriculture and Food
9.	Alcohol and Gaming Commission of Ontario	Minister of Consumer and Business Services
10.	Algonquin Forestry Authority	General Manager of the Authority
11.	Animal Care Review Board	Minister of Public Safety and Security
12.	Assessment Review Board	Attorney General
13.	Board of Governors of each College of Applied Arts and Technology	Chair of the Board
14.	Board of Negotiation	Minister of Agriculture and Food
15.	Board of Negotiation (Attorney General)	Attorney General
16.	Building Code Commission	Minister of Municipal Affairs and Housing
17.	Building Materials Evaluation Commission	Minister of Municipal Affairs and Housing
18.	Child and Family Services Review Board	Minister of Community, Family and Children's Services
19.	Chiropody Review Committee	Minister of Health and Long-Term Care
20.	Chiropractic Review Committee	Minister of Health and Long-Term Care
21.	Civil Service Commission	Chair of Management Board of Cabinet

ITEM	COLUMN 1	COLUMN 2
	Institution	Head
22.	College Relations Commission	Minister of Training, Colleges and Universities
23.	Commercial Registration Appeal Tribunal	Minister of Consumer and Business Services
24.	Commodity Futures Advisory Board	Minister of Finance
25.	Consent and Capacity Review Board	Minister of Health and Long-Term Care
26.	Conservation Review Board	Minister of Culture
27.	Criminal Injuries Compensation Board	Attorney General
28.	Crown Employees Grievance Settlement Board	Minister of Labour
29.	Crown Timber Board of Examiners	Minister of Natural Resources
30.	Custody Review Board	Minister of Community, Family and Children's Services
31.	Dentistry Review Committee	Minister of Health and Long-Term Care
32.	Disability Adjudication Unit	Minister of Community, Family and Children's Services
33.	District Health Councils, each Council	Chair of the Council
34.	Drug Quality and Therapeutics Committee	Minister of Health and Long-Term Care
35.	Eastern Ontario Development Corporation	Minister of Enterprise, Opportunity and Innovation
36.	Education Improvement Commission	Minister of Education
37.	Education Quality and Accountability Office	Chair
38.	Education Relations Commission	Minister of Education
39.	Environmental Review Tribunal	Minister of the Environment
40.	Financial Disclosure Advisory Board	Minister of Finance
41.	Financial Services Commission of Ontario	Minister of Finance
42.	Financial Services Tribunal	Minister of Finance
43.	Fire Safety Commission	Minister of Public Safety and Security
44.	Fish and Wildlife Advisory Board	Minister of Natural Resources
45.	Grain Financial Protection Board	Minister of Agriculture and Food
46.	Greater Toronto Transit Authority	Chair
47.	Healing Arts Radiation Protection Commission	Minister of Health and Long-Term Care
48.	Health Care Systems Research Review Committee	Minister of Health and Long-Term Care
49.	Health Professions Appeal and Review Board	Minister of Health and Long-Term Care
50.	Health Professions Regulatory Advisory Council	Minister of Health and Long-Term Care
51.	Health Research Personnel Committee	Minister of Health and Long-Term Care
52.	Health Services Appeal and Review Board	Minister of Health and Long-Term Care
53.	Health System-Linked Research Units Grants Review Committee	Minister of Health and Long-Term Care
54.	Hospital Appeal Board	Minister of Health and Long-Term Care
55.	Human Rights Tribunal of Ontario	Chair
56.	Independent Electricity Market Operator	Chief Executive Officer
57.	Investment Advisory Committee of the Public Guardian and Trustee	Attorney General
58.	Justices of the Peace Remuneration Commission	Chair of Management Board of Cabinet
59.	Labour-Management Advisory Committee	Minister of Labour
60.	Land Ambulance Implementation Steering Committee	Minister of Health and Long-Term Care
61.	Languages of Instruction Commission of Ontario	Minister of Education
62.	Legal Aid Ontario	President of Legal Aid Ontario
63.	Licence Suspension Appeal Board	Minister of Transportation
64.	Liquor Control Board of Ontario	Chair of the Board
65.	Livestock Financial Protection Board	Minister of Agriculture and Food
66.	Livestock Medicines Advisory Committee	Minister of Agriculture and Food
67.	Medical Eligibility Committee — Health Insurance	Minister of Health and Long-Term Care
68.	Medical Review Committee — Health Insurance	Minister of Health and Long-Term Care
69.	Metropolitan Toronto Convention Centre Corporation	President and Chief Executive Officer of the Corporation
70.	Mining and Lands Commissioner	Commissioner
71.	Niagara Escarpment Commission	Minister of Natural Resources
72.	Niagara Parks Commission	Chair of the Commission
73.	Normal Farm Practices Protection Board	Minister of Agriculture and Food
74.	North Pickering Development Corporation	Chair of the Board
75.	Northern Ontario Development Corporation	Minister of Enterprise, Opportunity and Innovation
76.	Northern Ontario Heritage Fund Corporation	Minister of Northern Development and Mines
77.	Office for Victims of Crime	Attorney General
78.	Office of the Employer Advisor	Minister of Labour
79.	Office of Francophone Affairs	Minister Responsible for Francophone Affairs
80.	Office of the Worker Advisor	Minister of Labour
81.	Ontario Advisory Committee on HIV/AIDS	Minister of Health and Long-Term Care
82.	Ontario Civilian Commission on Police Services	Minister of Public Safety and Security
83.	Ontario Clean Water Agency	Chair
84.	Ontario Council of Regents for Colleges of Applied Arts and Technology	Minister of Training, Colleges and Universities

85.	Ontario Development Corporation	Minister of Enterprise, Opportunity and Innovation
86.	Ontario Electricity Financial Corporation	Chief Executive Officer of the Corporation
87.	Ontario Electricity Pension Services Corporation	Chief Executive Officer of the Corporation
88.	Ontario Energy Board	Minister of Energy
89.	Ontario Exports Inc.	Minister of Enterprise, Opportunity and Innovation
90.	Ontario Family Health Network	Chief Executive Officer
91.	Ontario Farm Products Marketing Commission	Minister of Agriculture and Food
92.	Ontario Film Review Board	Minister of Consumer and Business Services
93.	Ontario Financing Authority	Minister of Finance
94.	Ontario Food Terminal Board	Chair of the Board
95.	Ontario Geographic Names Board	Minister of Natural Resources
96.	Ontario Heritage Foundation	Minister of Culture
97.	Ontario Highway Transport Board	Minister of Transportation
98.	Ontario Housing Corporation	Minister of Municipal Affairs and Housing
99.	Ontario Human Rights Commission	Minister of Citizenship
100.	Ontario Junior Farmer Establishment Loan Corporation	Minister of Agriculture and Food
101.	Ontario Labour Relations Board	Minister of Labour
102.	Ontario Lottery and Gaming Corporation	Chief Executive Officer
103.	Ontario Medal for Young Volunteers Advisory Council	Minister of Citizenship
104.	Ontario Media Development Corporation	Minister of Culture
105.	Ontario Moose-Bear Allocation Advisory Committee	Minister of Natural Resources
106.	Ontario Mortgage Corporation	Minister of Municipal Affairs and Housing
107.	Ontario Municipal Board	Minister of Municipal Affairs and Housing
108.	Ontario Municipal Employees Retirement Board	Chair of the Board
109.	Ontario Northland Transportation Commission	Chair of the Commission
110.	Ontario Parent Council	Minister of Education
111.	Ontario Parks Board of Directors	Minister of Natural Resources
112.	Ontario Parole and Earned Release Board	Minister of Public Safety and Security
113.	Ontario Place Corporation	Minister of Tourism and Recreation
114.	Ontario Police Arbitration Commission	Minister of Public Safety and Security
115.	Ontario Racing Commission	Minister of Consumer and Business Services
116.	Ontario Realty Corporation	Chair of the Board of Directors
117.	Ontario Rental Housing Tribunal	Chair of the Tribunal
118.	Ontario Review Board	Chair of the Board
119.	Ontario Science Centre	Minister of Culture
120.	Ontario Securities Commission	Minister of Finance
121.	Ontario Special Education Tribunal (English)	Minister of Education
122.	Ontario Special Education Tribunal (French)	Minister of Education
123.	Ontario Student Assistance Program Appeal Board	Minister of Training, Colleges and Universities
124.	Ontario SuperBuild Corporation	Minister of Finance
125.	Ontario Tourism Marketing Partnership Corporation	Minister of Tourism and Recreation
126.	Ontario Training and Adjustment Board	Chief Executive Officer
127.	Ontario VL Corporation Ltd.	President
128.	Optometry Review Committee	Minister of Health and Long-Term Care
129.	Ottawa Congress Centre	General Manager of the Centre
130.	Owen Sound Transportation Company Limited	President
131.	Pay Equity Commission	Minister of Labour
132.	Pay Equity Hearings Tribunal	Minister of Labour
133.	Pesticides Advisory Committee	Minister of the Environment
134.	Post-secondary Education Quality Assessment Board	Minister of Training, Colleges and Universities
135.	Private Vocational School Review Board	Minister of Training, Colleges and Universities
136.	Province of Ontario Medal for Fire Fighters' Bravery Advisory Council	Minister of Citizenship
137.	Province of Ontario Medal for Good Citizenship Advisory Council	Minister of Citizenship
138.	Province of Ontario Medal for Police Bravery Advisory Council	Minister of Citizenship
139.	Provincial Advisory Committees	Minister of Training, Colleges and Universities
140.	Provincial Judges Benefits Board	Chair of Management Board of Cabinet
141.	Provincial Schools Authority	Minister of Education
142.	Public Guardian and Trustee	Attorney General
143.	Public Service Grievance Board	Minister of Labour
144.	Rabies Advisory Committee	Minister of Natural Resources
145.	Rent Review Hearings Board	Minister of Municipal Affairs and Housing
146.	Royal Ontario Museum	Chair of the Board
147.	St. Lawrence Parks Commission	Minister of Tourism and Recreation
148.	Selection Board	Minister of Training, Colleges and Universities

ITEM	COLUMN 1 Institution	COLUMN 2 Head
149.	Smart Systems for Health	Chief Executive Officer
150.	Social Benefits Tribunal	Minister of Community, Family and Children's Services
151.	Soldiers Aid Commission	Minister of Community, Family and Children's Services
152.	Special Education Tribunals — Regional/Ontario	Minister of Education
153.	The Order of Ontario Advisory Council	Minister of Citizenship
154.	Trillium Gift of Life Network	Chair of the Board
155.	Workplace Safety and Insurance Appeals Tribunal	Minister of Labour
156.	Workplace Safety and Insurance Board	Chair of the Board

RÈGLEMENT DE L'ONTARIO 161/03

pris en application de la

LOI SUR L'ACCÈS À L'INFORMATION ET LA PROTECTION DE LA VIE PRIVÉE

pris le 24 avril 2003
déposé le 28 avril 2003

modifiant le Règl. 460 des R.R.O. de 1990
(Dispositions générales)

Remarque : Le Règlement 460 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. L'annexe du Règlement 460 des Règlements refondus de l'Ontario de 1990 est abrogée et remplacée par ce qui suit :

ANNEXE

NUMÉRO	COLONNE 1 Institution	COLONNE 2 Personne responsable
1.	Conseil consultatif de l'accessibilité pour l'Ontario	Ministre des Affaires civiles
2.	Commission de révision de la publicité	Président du Conseil de gestion du gouvernement
3.	Comité consultatif sur le dépistage des maladies héréditaires chez les enfants	Ministre de la Santé et des Soins de longue durée
4.	Conseil consultatif sur l'éducation de l'enfance en difficulté	Ministre de l'Éducation
5.	Agricorp	Président du conseil d'administration
6.	Direction générale de la revalorisation et de l'aménagement des régions agricoles	Ministre de l'Agriculture et de l'Alimentation
7.	Institut de recherche agricole de l'Ontario	Ministre de l'Agriculture et de l'Alimentation
8.	Tribunal d'appel de l'agriculture, de l'alimentation et des affaires rurales	Ministre de l'Agriculture et de l'Alimentation
9.	Commission des alcools et des jeux de l'Ontario	Ministre des Services aux consommateurs et aux entreprises
10.	Agence de foresterie du parc Algonquin	Directeur général de l'Agence
11.	Commission d'étude des soins aux animaux	Ministre de la Santé et de la Sécurité publique
12.	Commission de révision de l'évaluation foncière	Procureur général
13.	Conseil d'administration de chaque collège d'arts appliqués et de technologie	Président du conseil d'administration
14.	Commission de négociation	Ministre de l'Agriculture et de l'Alimentation
15.	Commission de négociation (Procureur général)	Procureur général
16.	Commission du code du bâtiment	Ministre des Affaires municipales et du Logement
17.	Commission d'évaluation des matériaux de construction	Ministre des Affaires municipales et du Logement
18.	Commission de révision des services à l'enfance et à la famille	Ministre des Services à la collectivité, à la famille et à l'enfance
19.	Comité d'étude de la podologie	Ministre de la Santé et des Soins de longue durée
20.	Comité d'étude de la chiropractie	Ministre de la Santé et des Soins de longue durée
21.	Commission de la fonction publique	Président du Conseil de gestion du gouvernement
22.	Commission des relations de travail dans les collèges	Ministre de la Formation et des Collèges et Universités
23.	Commission d'appel des enregistrements commerciaux	Ministre des Services aux consommateurs et aux entreprises
24.	Conseil consultatif sur la vente à terme de marchandises	Ministre des Finances
25.	Commission de révision du consentement et de la capacité	Ministre de la Santé et des Soins de longue durée
26.	Commission des biens culturels	Ministre de la Culture
27.	Commission d'indemnisation des victimes d'actes criminels	Procureur général

	institution	personne responsable
28.	Commission de règlement des griefs des employés de la Couronne	Ministre du Travail
29.	Commission d'examen du bois de la Couronne	Ministre des Richesses naturelles
30.	Commission de révision des placements sous garde	Ministre des Services à la collectivité, à la famille et à l'enfance
31.	Comité d'étude de la dentisterie	Ministre de la Santé et des Soins de longue durée
32.	Unité des décisions sur l'admissibilité des personnes handicapées	Ministre des Services à la collectivité, à la famille et à l'enfance
33.	Chacun des conseils régionaux de santé	Président de chaque conseil
34.	Comité d'appréciation des médicaments et des thérapeutiques	Ministre de la Santé et des Soins de longue durée
35.	Société de développement économique de l'Est de l'Ontario	Ministre de l'Entreprise, des Débouchés et de l'Innovation
36.	Commission d'amélioration de l'éducation	Ministre de l'Éducation
37.	Office de la qualité et de la responsabilité en éducation	Président du conseil d'administration
38.	Commission des relations de travail en éducation	Ministre de l'Éducation
39.	Tribunal de l'environnement	Ministre de l'Environnement
40.	Conseil consultatif sur la divulgation des renseignements de nature financière	Ministre des Finances
41.	Commission des services financiers de l'Ontario	Ministre des Finances
42.	Tribunal des services financiers	Ministre des Finances
43.	Commission de la sécurité-incendie	Ministre de la Sûreté et de la Sécurité publique
44.	Conseil consultatif de la chasse et de la pêche	Ministre des Richesses naturelles
45.	Commission de protection financière des producteurs de céréales	Ministre de l'Agriculture et de l'Alimentation
46.	Régie des transports en commun du grand Toronto	Président du conseil d'administration
47.	Commission de protection contre les rayons	Ministre de la Santé et des Soins de longue durée
48.	Comité d'examen des recherches sur les systèmes de soins	Ministre de la Santé et des Soins de longue durée
49.	Commission d'appel et de révision des professions de la santé	Ministre de la Santé et des Soins de longue durée
50.	Conseil consultatif de réglementation des professions de la santé	Ministre de la Santé et des Soins de longue durée
51.	Comité de chercheurs dans le domaine de la santé	Ministre de la Santé et des Soins de longue durée
52.	Commission d'appel et de révision des services de santé	Ministre de la Santé et des Soins de longue durée
53.	Comité d'examen des demandes de subvention des unités de recherche reliées au système de santé	Ministre de la Santé et des Soins de longue durée
54.	Commission d'appel des hôpitaux	Ministre de la Santé et des Soins de longue durée
55.	Tribunal des droits de la personne de l'Ontario	Président
56.	Société indépendante de gestion du marché de l'électricité	Chef de la direction
57.	Comité consultatif du Tuteur et curateur public sur les placements	Procureur général
58.	Commission de rémunération des juges de paix	Président du Conseil de gestion du gouvernement
59.	Comité consultatif sur les relations employés-employeurs	Ministre du Travail
60.	Comité directeur de mise en oeuvre du transfert des services d'ambulances terrestres	Ministre de la Santé et des Soins de longue durée
61.	Commission des langues d'enseignement de l'Ontario	Ministre de l'Éducation
62.	Aide juridique Ontario	Président d'Aide juridique Ontario
63.	Commission d'appel des suspensions de permis	Ministre des Transports
64.	Régie des alcools de l'Ontario	Président de la Régie
65.	Commission de protection financière des éleveurs de bétail	Ministre de l'Agriculture et de l'Alimentation
66.	Comité consultatif sur les médicaments pour le bétail	Ministre de l'Agriculture et de l'Alimentation
67.	Comité d'admissibilité médicale — assurance-santé	Ministre de la Santé et des Soins de longue durée
68.	Comité d'étude de la médecine — assurance-santé	Ministre de la Santé et des Soins de longue durée
69.	Société du palais des congrès de la communauté urbaine de Toronto	Président-directeur général de la Société
70.	Commissaire aux mines et aux terres	Commissaire
71.	Commission de l'escarpement du Niagara	Ministre des Richesses naturelles
72.	Commission des parcs du Niagara	Président de la Commission
73.	Commission de protection des pratiques agricoles normales	Ministre de l'Agriculture et de l'Alimentation
74.	Société d'aménagement de North Pickering	Président du conseil d'administration
75.	Société de développement du Nord de l'Ontario	Ministre de l'Entreprise, des Débouchés et de l'Innovation
76.	Société de gestion du Fonds du patrimoine du Nord de l'Ontario	Ministre du Développement du Nord et des Mines
77.	Office des affaires des victimes d'actes criminels	Procureur général
78.	Bureau des conseillers du patronat	Ministre du Travail
79.	Office des Affaires francophones	Ministre délégué aux Affaires francophones
80.	Bureau des conseillers des travailleurs	Ministre du Travail

NUMÉRO	COLONNE 1 Institution	COLONNE 2 Personne responsable
81.	Comité consultatif ontarien de lutte contre le VIH et le sida	Ministre de la Santé et des Soins de longue durée
82.	Commission civile des services policiers de l'Ontario	Ministre de la Sûreté et de la Sécurité publique
83.	Agence ontarienne des eaux	Président
84.	Conseil ontarien des affaires collégiales	Ministre de la Formation et des Collèges et Universités
85.	Société de développement de l'Ontario	Ministre de l'Entreprise, des Débouchés et de l'Innovation
86.	Société financière de l'industrie de l'électricité de l'Ontario	Chef de la direction de la Société
87.	Société de la caisse de retraite de l'industrie de l'électricité de l'Ontario	Chef de la direction de la Société
88.	Commission de l'énergie de l'Ontario	Ministre de l'Énergie
89.	Ontario Export inc.	Ministre de l'Entreprise, des Débouchés et de l'Innovation
90.	Réseau Santé familiale de l'Ontario	Chef de la direction
91.	Commission de commercialisation des produits agricoles de l'Ontario	Ministre de l'Agriculture et de l'Alimentation
92.	Commission de contrôle cinématographique de l'Ontario	Ministre des Services aux consommateurs et aux entreprises
93.	Office ontarien de financement	Ministre des Finances
94.	Commission du Marché des produits alimentaires de l'Ontario	Président de la Commission
95.	Commission de toponymie de l'Ontario	Ministre des Richesses naturelles
96.	Fondation du patrimoine ontarien	Ministre de la Culture
97.	Commission des transports routiers de l'Ontario	Ministre des Transports
98.	Société de logement de l'Ontario	Ministre des Affaires municipales et du Logement
99.	Commission ontarienne des droits de la personne	Ministre des Affaires civiles
100.	Société de prêts aux jeunes agriculteurs de l'Ontario	Ministre de l'Agriculture et de l'Alimentation
101.	Commission des relations de travail de l'Ontario	Ministre du Travail
102.	Société des loteries et des jeux de l'Ontario	Chef de la direction
103.	Conseil consultatif de la Médaille de l'Ontario pour les jeunes bénévoles	Ministre des Affaires civiles
104.	Société de développement de l'industrie des médias de l'Ontario	Ministre de la Culture
105.	Comité consultatif ontarien d'attribution en matière de chasse à l'original et à l'ours	Ministre des Richesses naturelles
106.	Société d'hypothèques de l'Ontario	Ministre des Affaires municipales et du Logement
107.	Commission des affaires municipales de l'Ontario	Ministre des Affaires municipales et du Logement
108.	Commission du régime de retraite des employés municipaux de l'Ontario	Président de la Commission
109.	Commission de transport Ontario Northland	Président de la Commission
110.	Conseil ontarien des parents	Ministre de l'Éducation
111.	Conseil d'administration de Parcs Ontario	Ministre des Richesses naturelles
112.	Commission ontarienne des libérations conditionnelles et des mises en liberté méritées	Ministre de la Sûreté et de la Sécurité publique
113.	Société d'exploitation de la Place Ontario	Ministre du Tourisme et des Loisirs
114.	Commission d'arbitrage de la police de l'Ontario	Ministre de la Sûreté et de la Sécurité publique
115.	Commission des courses de l'Ontario	Ministre des Services aux consommateurs et aux entreprises
116.	Société immobilière de l'Ontario	Président du conseil d'administration
117.	Tribunal du logement de l'Ontario	Président du Tribunal
118.	Commission ontarienne d'examen	Président de la Commission
119.	Centre des sciences de l'Ontario	Ministre de la Culture
120.	Commission des valeurs mobilières de l'Ontario	Ministre des Finances
121.	Tribunal de l'enfance en difficulté de l'Ontario (anglais)	Ministre de l'Éducation
122.	Tribunal de l'enfance en difficulté de l'Ontario (français)	Ministre de l'Éducation
123.	Commission d'appel du Régime d'aide financière aux étudiants de l'Ontario	Ministre de la Formation et des Collèges et Universités
124.	Société ontarienne SuperCroissance	Ministre des Finances
125.	Société du Partenariat ontarien de marketing touristique	Ministre du Tourisme et des Loisirs
126.	Conseil ontarien de formation et d'adaptation de la main-d'oeuvre	Administrateur en chef
127.	Ontario VL Corporation Ltd.	Président
128.	Comité d'étude de l'optométrie	Ministre de la Santé et des Soins de longue durée
129.	Centre des Congrès d'Ottawa	Directeur général du Centre
130.	Owen Sound Transportation Company Limited	Président
131.	Commission de l'équité salariale	Ministre du Travail
132.	Tribunal de l'équité salariale	Ministre du Travail
133.	Comité consultatif sur les pesticides	Ministre de l'Environnement
134.	Commission d'évaluation de la qualité de l'éducation postsecondaire	Ministre de la Formation et des Collèges et Universités

	institution	personne responsable
135.	Commission d'étude des écoles privées de formation professionnelle	Ministre de la Formation et des Collèges et Universités
136.	Conseil consultatif de la médaille de bravoure des pompiers de la province de l'Ontario	Ministre des Affaires civiques
137.	Conseil consultatif de la médaille du mérite civique de la province de l'Ontario	Ministre des Affaires civiques
138.	Conseil consultatif de la médaille de bravoure des policiers de la province de l'Ontario	Ministre des Affaires civiques
139.	Comités consultatifs provinciaux	Ministre de la Formation et des Collèges et Universités
140.	Commission de retraite des juges provinciaux	Président du Conseil de gestion du gouvernement
141.	Administration des écoles provinciales	Ministre de l'Éducation
142.	Tuteur et curateur public	Procureur général
143.	Commission des griefs de la fonction publique	Ministre du Travail
144.	Comité consultatif sur la rage	Ministre des Richesses naturelles
145.	Commission de révision des loyers	Ministre des Affaires municipales et du Logement
146.	Musée royal de l'Ontario	Président du conseil d'administration
147.	Commission des parcs du Saint-Laurent	Ministre du Tourisme et des Loisirs
148.	Comité de sélection	Ministre de la Formation et des Collèges et Universités
149.	Systèmes intelligents pour la santé	Chef de la direction
150.	Tribunal de l'aide sociale	Ministre des Services à la collectivité, à la famille et à l'enfance
151.	Commission d'aide aux anciens combattants	Ministre des Services à la collectivité, à la famille et à l'enfance
152.	Tribunaux de l'enfance en difficulté — régionaux et provincial	Ministre de l'Éducation
153.	Conseil consultatif de l'Ordre de l'Ontario	Ministre des Affaires civiques
154.	Réseau Trillium pour le don de vie	Président du conseil d'administration
155.	Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail	Ministre du Travail
156.	Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail	Président de la Commission

20/03

ONTARIO REGULATION 162/03

made under the

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Made: April 24, 2003

Filed: April 28, 2003

Amending O. Reg. 372/91
(Institutions)

Note: Ontario Regulation 372/91 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 1 (1) of Ontario Regulation 372/91 is revoked and the following substituted:

(1) The following bodies are designated as institutions:

1. Belmont Business Improvement Area Board of Management.
2. Each board established for transitional purposes under section 5.2 of Ontario Regulation 143/96.
3. Centre in the Square Inc.
4. Each community development corporation incorporated under section 109 of the *Municipal Act, 2001* if,
 - i. the corporation receives assistance from a municipality under subsection 109 (4) of that Act, or
 - ii. one or more of the corporation's directors are nominated by the council of a municipality as provided for in subsection 109 (10) of that Act.

5. Joint committees of management established under the *Community Recreation Centres Act*, all such committees.
6. Kitchener Housing Inc.
7. Municipal Property Assessment Corporation.
8. The Board of Governors of Exhibition Place.
9. The Board of Management of the Hummingbird Centre.
10. The Downtown Improvement Area Board of Management.
11. The Hamilton Entertainment and Convention Facilities Inc.
12. Toronto Atmospheric Fund.

20/03

ONTARIO REGULATION 163/03

made under the

LOCAL ROADS BOARDS ACT

Made: April 30, 2003

Filed: May 1, 2003

Amending Reg. 734 of R.R.O. 1990

(Establishment of Local Roads Areas — Northern and Eastern Regions)

Note: Regulation 734 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 36 to Regulation 734 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

SCHEDULE 36

LOUNT LOCAL ROADS AREA

All of the Township of Lount in the Territorial District of Parry Sound shown outlined on Ministry of Transportation Plan N-1362-7, filed with the Records Services Unit of the Ministry of Transportation at North Bay on February 5, 2003.

FRANK F. KLEES

Minister of Transportation

Dated on April 30, 2003.

20/03

ONTARIO REGULATION 164/03

made under the

LOCAL ROADS BOARDS ACT

Made: April 30, 2003

Filed: May 1, 2003

Amending Reg. 734 of R.R.O. 1990

(Establishment of Local Roads Areas — Northern and Eastern Regions)

Note: Since the end of 2002, Regulation 734 has been amended by Ontario Regulation 163/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 73 to Regulation 734 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

LAURIER LOCAL ROADS AREA

All that portion of the Township of Laurier in the Territorial District of Parry Sound shown outlined on Ministry of Transportation Plan N-507-A5, filed with the Records Services Unit of the Ministry of Transportation at North Bay on February 5, 2003.

FRANK F. KLEES
Minister of Transportation

Dated on April 30, 2003.

20/03

ONTARIO REGULATION 165/03

made under the

LOCAL ROADS BOARDS ACT

Made: April 30, 2003
Filed: May 1, 2003

Amending Reg. 734 of R.R.O. 1990
(Establishment of Local Roads Areas — Northern and Eastern Regions)

Note: Since the end of 2002, Regulation 734 has been amended by Ontario Regulations 163/03 and 164/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 81 to Regulation 734 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

SCHEDULE 81

PRINGLE LOCAL ROADS AREA

All of the Township of Pringle and that portion of the Township of East Mills in the Territorial District of Parry Sound shown outlined on Ministry of Transportation Plan N-1062-5, filed with the Records Services Unit of the Ministry of Transportation at North Bay on February 5, 2003.

FRANK F. KLEES
Minister of Transportation

Dated on April 30, 2003.

20/03

ONTARIO REGULATION 166/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: May 1, 2003
Filed: May 1, 2003

ORDERS UNDER SECTION 22.1 OF THE ACT

Interpretation

1. (1) In this Regulation,

“analyst” means a medical laboratory technologist at the Ministry of Health and Long-Term Care’s Central Public Health Laboratory;

“applicant” means a person who submits an application to a medical officer of health for an order pursuant to section 22.1 of the Act;

“Applicant Report” means an Applicant Report made in the form approved by the Minister;

“applicant’s disclosure” means all information contained in sections “C” (Details of Occurrence) and “D” (Additional Information) of the Applicant Report and all information contained in section “C” (History of Exposure) of the Physician Report;

“application” means a completed Applicant Report together with a completed Physician Report submitted to the medical officer of health of the board of health of the appropriate health unit;

“appropriate health unit” for the purposes of submitting an application to a medical officer of health pursuant to section 22.1 of the Act, means the health unit for the area where the respondent resides;

“Central Public Health Laboratory” means the Ministry of Health and Long-Term Care’s Central Public Health Laboratory;

“crime” means an offence under the *Criminal Code* (Canada) committed in Ontario which results in serious bodily harm to a victim and as a result of which the victim may have come into contact with a bodily substance of a respondent;

“day” means Monday through Friday between the hours of 9 a.m. and 4 p.m. local time, but does not include Saturdays, Sundays or statutory holidays;

“laboratory requisition” means a laboratory requisition made in the form approved by the Minister;

“occurrence” means the events alleged by an applicant which cause him or her to come into contact with a bodily substance of a respondent;

“Physician Report” means a Physician Report made in the form approved by the Minister and including the information specified in this Regulation;

“prescribed communicable disease” means a disease prescribed under section 2;

“report to police” means a report of the facts alleging a crime in Ontario made to local police authorities by a victim;

“reporting physician” means a physician who is qualified to make a Physician Report pursuant to section 22.1 of the Act;

“respondent” means a person who has been identified by an applicant as a person whose bodily substances the applicant may have come into contact with;

“respondent blood analysis report” means a report on the results of the analysis of a blood sample taken from a respondent in accordance with an order made pursuant to section 22.1 of the Act;

“Respondent Report” means a Respondent Report made in the form approved by the Minister;

“respondent’s disclosure” means all information contained in sections “B” (Details of Occurrence) and “D” (Additional Information) of the Respondent Report;

“victim” means a person who may have come into contact with a bodily substance of a respondent as a result of sustaining bodily injury from any act or omission in Ontario of a respondent occurring in or resulting from the commission of a crime.

(2) A reference in this Regulation to a form is a reference to the form of that name that is approved by the Minister for the purposes of this Regulation, and that is available from the Ministry of Health and Long-Term Care or on a web site of that Ministry, or both.

(3) For the purpose of calculating time under this Regulation, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens.

Diseases prescribed

2. For the purposes of subsections 22.1 (2) and (4) of the Act, Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), Hepatitis B and Hepatitis C are prescribed as communicable diseases.

Role of the medical officer of health

3. (1) Nothing in this Regulation creates a physician-patient relationship or other relationship of trust between a medical officer of health and an applicant.

(2) Nothing in this Regulation creates a physician-patient relationship or other relationship of trust between a medical officer of health and a respondent.

(3) The medical officer of health may seek legal advice from an advisor independent from the applicant and the respondent for the purpose of determining an application.

4. (1) An application must be received by the office of the medical officer of health in the appropriate health unit no more than seven days after the occurrence.

(2) An application received more than seven days after the occurrence is invalid.

(3) In the event of conflicting information about the date of the occurrence, the medical officer of health shall determine the date of the occurrence based on the information provided in the physician report.

(4) Where the office of a medical officer of health receives an application, the office shall set out in writing the date and time the application was received by the office.

(5) A medical officer of health may request and receive further information from any person before determining an application if, in the opinion of the medical officer of health, it is appropriate to do so.

(6) Where an application is received by the office of a medical officer of health in a health unit other than the appropriate health unit, the office that receives the application shall forward the application to the office of the medical officer of health in the appropriate health unit.

(7) Where an application is forwarded to the office of the medical officer of health in the appropriate health unit pursuant to this section, the application is deemed received by the office of the medical officer of health in the appropriate health unit on the day it was received by the office of the medical officer of health that forwarded the application.

Base line testing

5. (1) The reporting physician shall order base line testing for the prescribed communicable diseases and the applicant must attend at a laboratory forthwith to have a blood sample taken and tested for the prescribed communicable diseases.

(2) The medical officer of health may consider and determine an application before receiving the applicant's base line testing results.

(3) It is the responsibility of the applicant to ensure that a valid copy of his or her base line testing results is received by the office of the medical officer of health in the appropriate health unit no more than five days after the applicant receives the results.

(4) The medical officer of health shall determine the application as soon as practicable after the applicant's base line testing results become available.

(5) When determining an application, the medical officer of health shall consider the applicant's base line testing results if those results are available.

(6) If the medical officer of health makes an order but subsequently receives the applicant's base line testing results which indicate that the applicant is positive for one or more of the prescribed communicable diseases, the medical officer of health shall rescind the order as a whole or any parts of the order that are no longer valid or shall make a new order if appropriate.

Voluntary information

6. (1) Upon receiving an application, the medical officer of health shall immediately designate an appropriate public health professional for the purpose of contacting the respondent about voluntarily providing information necessary to confirm his or her seropositivity respecting the prescribed communicable diseases and voluntarily providing a blood sample to be tested for the prescribed communicable diseases.

(2) The medical officer of health shall provide the person designated under this section with the name and address of the respondent and, if available, the telephone number of the respondent.

(3) The procedure for the voluntary process shall be informal, using standard public health practices and procedures.

(4) The person designated under this section shall not disclose the applicant's name or any other personally identifying information about the applicant to the respondent but may disclose to the respondent that an application has been received by the medical officer of health and may describe the process governing the application.

(5) The medical officer of health who considers an application shall not take part in any investigation or receive information respecting the voluntary process involving the respondent or the applicant with the exception of receiving information about whether or not the voluntary process was successful.

(6) Where the designated person is satisfied that the respondent has voluntarily provided information necessary to confirm his or her seropositivity or has voluntarily provided a blood sample for testing, the voluntary process is successful.

(7) Where the designated person is not satisfied that the respondent has voluntarily provided information necessary to confirm his or her seropositivity or has voluntarily provided a blood sample for testing, the voluntary process is not successful.

(8) Where the medical officer of health receives information that the voluntary process was successful, the medical officer of health shall not consider the application.

(9) Where the medical officer of health receives information that the voluntary process was not successful, the medical officer of health shall proceed to consider the application.

(10) Where the medical officer of health is of the opinion that he or she has received information about the voluntary process outside the scope of what permitted in this section, the medical officer of health shall immediately contact the Chief Medical Officer of Health who shall designate another medical officer of health to consider the application.

(11) A medical officer of health designated by the Chief Medical Officer of Health under this section may continue the voluntary process if he or she is of the opinion that it is appropriate to do so.

(12) Where the person designated under this section has made reasonable attempts to contact the respondent but is unable to contact the respondent within seven days of being designated for that purpose by the medical officer of health, the person shall advise the medical officer of health that the voluntary process was unsuccessful.

(13) The voluntary process shall take no more than seven days to complete.

Mandatory conditions

7. (1) An applicant must meet each of the following mandatory conditions in making an application under section 22.1 of the Act:

1. The application must be received by the office of the medical officer of health no more than seven days after the occurrence.
2. The Applicant Report must be sworn or affirmed to by the applicant.
3. The Applicant Report must include the name and address of the respondent.
4. The Applicant Report must state that the applicant has provided his or her consent permitting the release of his or her personal health information relating to the application to the medical officer of health and to any other person that the medical officer of health considers necessary for the purposes of the application.
5. Where an application is brought under subclause 22.1 (2) (a) (i) of the Act, the Applicant Report must state that,
 - i. the applicant has made a report to police, and
 - ii. the applicant has provided his or her consent permitting the medical officer of health to request any information that the medical officer of health considers necessary from local police authorities respecting the applicant's report to police.
6. The applicant must consent to examination, counselling, including counselling respecting recommended prophylaxis or treatment, and base line testing for the prescribed communicable diseases recommended by the reporting physician. However, while the applicant must consent to counselling respecting prophylaxis or treatment, if the applicant refuses to consent to prophylaxis or treatment, his or her application may still be considered.

(2) Where an applicant fails to meet one or more of the conditions listed in this section, the application is not valid and shall be dismissed by the medical officer of health.

(3) Where the medical officer of health dismisses an application, the medical officer of health shall make a written dismissal.

(4) A dismissal made pursuant to section 22.1 of the Act shall include,

(a) the reasons for the dismissal; and

(b) a statement that under subsection 22.1 (9) of the Act and this Regulation, the applicant may appeal the dismissal to the Chief Medical Officer of Health by filing a completed Form AP1 - Notice of Appeal of Dismissal or Refusal with the office of the Chief Medical Officer of Health within five days of the deemed receipt of the dismissal pursuant to subsection (6).

(5) Where the medical officer of health dismisses an application, he or she shall send a copy of the dismissal to the applicant by registered mail no more than two days after the dismissal is made.

(6) The applicant shall be deemed to have received a dismissal sent by registered mail on the fifth day after the dismissal is mailed.

Receiving information

8. (1) Whether or not a hearing is held under subsection 22.1 (5) of the Act, the medical officer of health may at any time receive and consider any information from any person for the purposes of determining an application.

(2) Where the medical officer of health receives and considers information for the purpose of determining an application, the medical officer of health must retain a written record of that information.

(3) The medical officer of health shall determine whether or not to share information he or she receives for the purposes of an application with the applicant and the respondent.

(5) The medical officer of health shall not share information he or she receives for the purposes of an application with the respondent and not with the applicant.

Where no hearing held

9. (1) This section applies where the medical officer of health receives an application and determines that a hearing is not necessary under subsection 22.1 (5) of the Act.

(2) Where a hearing is not held under subsection 22.1 (5) of the Act, the medical officer of health may at any time receive and consider any information from any person for the purposes of determining an application.

(3) Despite subsections 8 (4) and (5), where a hearing is not held under subsection 22.1 (5) of the Act, the medical officer of health may share information he or she receives for the purposes of an application with the applicant and not with the respondent.

(4) Upon determining that a hearing is not necessary under subsection 22.1 (5) of the Act, the medical officer of health shall proceed to consider and determine the application without notice to the respondent.

Where hearing is held

10. (1) This section applies where the medical officer of health receives an application and determines that a hearing is necessary under subsection 22.1 (5) of the Act.

(2) For the purposes of subsection 22.1 (5) of the Act, the medical officer of health may only hold hearings at which no oral evidence is presented.

(3) Where a hearing is held under subsection 22.1 (5) of the Act, the medical officer of health may at any time receive and consider any information from any person for the purposes of determining an application.

(4) The parties to a hearing held by a medical officer of health under subsection 22.1 (5) of the Act are the applicant, the respondent and any other person that the medical officer of health considers necessary.

(5) The medical officer of health shall determine the nature and extent of the participation in the hearing of all parties to a hearing held under subsection 22.1 (5) of the Act, other than the applicant and the respondent.

(6) The medical officer of health shall not provide the parties to a hearing held under subsection 22.1 (5) of the Act with any sections of the Physician Report, the Applicant Report or the Respondent Report with the exception of those sections included in the applicant's disclosure and the respondent's disclosure.

(7) Where the medical officer of health determines that a hearing is necessary under subsection 22.1 (5) of the Act, the medical officer of health shall make up to three attempts to personally deliver a blank Respondent Report and the applicant's disclosure to the respondent within the first three days after the medical officer of health determines that a hearing is necessary.

(8) Where the medical officer of health attempts to personally deliver a blank Respondent Report and the applicant's disclosure to a respondent but is unsuccessful, the medical officer of health shall, if practicable, leave information at the delivery address sufficient to permit the respondent to contact the medical officer of health respecting the application.

(9) The medical officer of health shall maintain a log of all attempts made to deliver a blank Respondent Report and the applicant's disclosure to a respondent.

(10) Where the medical officer of health is unable to personally deliver a blank Respondent Report and the applicant's disclosure to a respondent after making three attempts to do so, the medical officer of health shall proceed to consider and determine the application without holding a hearing under subsection 22.1 (5) of the Act.

(11) The medical officer of health may consider the inability to personally deliver a blank Respondent Report and the applicant's disclosure to a respondent in determining whether or not to make an order under section 22.1 of the Act.

(12) A respondent shall deliver a completed Respondent Report to the medical officer of health no more than seven days after receiving a blank Respondent Report and the applicant's disclosure from the medical officer of health.

(13) Where a blank Respondent Report and the applicant's disclosure has been personally delivered to the respondent, the medical officer of health may proceed to consider the application seven days after the respondent received the blank Respondent Report and the applicant's disclosure.

(14) Where the medical officer of health has not yet determined an application, the medical officer of health may accept a Respondent Report received more than seven days after the respondent received the blank Respondent Report and the applicant's disclosure from the medical officer of health.

Where order is made

11. (1) An order made by the medical officer of health pursuant to section 22.1 of the Act shall include,

- (a) the medical officer of health's reasons for decision;
 - (b) a statement that under section 44 of the Act, the respondent is entitled to a hearing by the Health Services Appeal and Review Board if, no more than 15 days after receiving the order, the respondent mails or delivers notice in writing requiring a hearing to the medical officer of health who made the order and to the Health Services Appeal and Review Board;
 - (c) a statement that under section 44 of the Act, the order takes effect when the respondent receives it but that the respondent may apply to the Health Services Appeal and Review Board for a stay of the order pending the outcome of a hearing before the Health Services Appeal and Review Board;
 - (d) a statement that the respondent must have a blood sample taken in accordance with the order no more than seven days after receiving the order; and
 - (e) the name of a person or a class of persons to take the blood sample from the respondent.
- (2) Where the medical officer of health makes an order pursuant to section 22.1 of the Act, the medical officer of health shall send a notice stating that the order has been made and setting out the date of the order to the applicant by registered mail no more than two days after the order is made.
- (3) An applicant shall be deemed to have received a notice sent by registered mail on the fifth day after the notice is mailed.
- (4) Where the medical officer of health makes an order pursuant to section 22.1 of the Act, the medical officer of health shall make up to three attempts to personally deliver a copy of the order to the respondent within the first three days after the order is made.
- (5) Where the medical officer of health attempts to personally deliver an order to a respondent but is unsuccessful, the medical officer of health shall, if practicable, leave information at the delivery address sufficient to permit the respondent to contact the medical officer of health respecting the order.
- (6) The medical officer of health shall maintain a log of all attempts made to deliver an order to a respondent.
- (7) Where the medical officer of health is unable to personally deliver an order to a respondent after making three attempts to do so, the order shall be considered non-deliverable.
- (8) Where the medical officer of health makes an order pursuant to section 22.1 of the Act, the order takes effect,
- (a) as against the respondent, when the respondent receives the order;
 - (b) as against the person named in the order to take the blood sample from the respondent, when the respondent presents him or herself to the person to have the blood sample taken; and
 - (c) as against the Central Public Health Laboratory, when the blood sample taken from the respondent arrives at the Central Public Health Laboratory.
- (9) Where the medical officer of health makes an order pursuant to section 22.1 of the Act, the respondent must have a blood sample taken in accordance with the order no more than seven days after the respondent receives the order.

Where order refused

12. (1) Where the medical officer of health refuses to make an order pursuant to section 22.1 of the Act, the medical officer of health shall make a written refusal.

- (2) A refusal made pursuant to section 22.1 of the Act shall include,
 - (a) reasons for the decision; and
 - (b) a statement that under subsection 22.1 (9) of the Act and this Regulation, the applicant may appeal the refusal to the Chief Medical Officer of Health by personally serving the respondent with a completed Form API and filing the Form API, with proof of personal service of the form on the respondent, with the office of the Chief Medical Officer of Health within five days of the deemed receipt of the refusal pursuant to subsection (4).
- (3) Where the medical officer of health makes a refusal, the medical officer of health shall send a copy of the refusal to the applicant by registered mail no more than two days after the refusal is made.
- (4) The applicant shall be deemed to have received a refusal sent by registered mail on the fifth day after the refusal is mailed.

Taking and analyzing blood sample

13. (1) The provisions of this section apply to blood samples taken from a respondent in accordance with an order made pursuant to section 22.1 of the Act.

- (2) All blood samples taken from a respondent shall be taken by,
 - (a) a physician named in the order by the medical officer of health; or

(3) Before taking a blood sample from a respondent, the person who is to take the sample shall verify the identity of the respondent by inspecting photo identification produced by the respondent.

(4) Where a respondent does not produce photo identification or where the person who is to take the sample is not satisfied that the photo identification produced by the respondent verifies the respondent's identity, the person taking the sample shall,

- (a) not take any blood samples from the respondent pursuant to the order;
- (b) indicate on the laboratory requisition that the respondent did not produce photo identification or that the person who was to take the sample was not satisfied that the photo identification produced by the respondent verified the respondent's identity and that no blood samples were taken from the respondent pursuant to the order; and
- (c) deliver the completed laboratory requisition to the office of the medical officer of health who made the order.

(5) Where the office of the medical officer of health receives a laboratory requisition which indicates that the respondent did not produce photo identification or that the person who was to take the sample was not satisfied that the photo identification produced by the respondent verified the respondent's identity and that no blood samples were taken from the respondent pursuant to the order, the order shall be considered breached.

(6) A person who takes a blood sample from a respondent shall,

- (a) attach a label that lists the respondent's name, date of birth and the date on which the specimen was collected to each of the vacutainers;
- (b) immediately put all vacutainers containing blood samples taken from the respondent into the biohazard bag;
- (c) attach a seal to the biohazard bag;
- (d) write the respondent's full name and date of birth on the seal attached to the biohazard bag;
- (e) attach a unique number identifier to each of the three copies of the laboratory requisition;
- (f) indicate on the laboratory requisition that the identity of the respondent was verified in accordance with subsection (3);
- (g) write his or her own full name and sign and date the laboratory requisition;
- (h) provide the respondent from whom the blood sample was taken with a copy of the completed laboratory requisition; and
- (i) retain one copy of the completed laboratory requisition for his or her records.

(7) All analysis of blood samples taken from a respondent shall be done at the Central Public Health Laboratory.

(8) A person who takes a blood sample from a respondent shall immediately deliver the blood sample and a copy of the laboratory requisition by courier to the Central Public Health Laboratory.

(9) Before any analysis is performed on a blood sample taken from a respondent, an official of the Central Public Health Laboratory shall verify that,

- (a) the seal on the biohazard bag containing the blood sample is intact; and
- (b) the vacutainer containing the blood sample is not damaged.

(10) No analysis shall be performed on blood samples taken from a respondent which are contained in biohazard bags that arrive at the Central Public Health Laboratory with broken seals or which are contained in damaged vacutainers.

(11) Where the biohazard bag containing the blood samples taken from a respondent arrives at the Central Public Health Laboratory with a broken seal or where all vacutainers containing blood samples taken from a respondent are damaged,

- (a) no analysis of the respondent's blood samples shall be performed;
- (b) an official of the Central Public Health Laboratory shall indicate on the laboratory requisition that the biohazard bag containing the blood samples taken from the respondent arrived at the Central Public Health Laboratory with a broken seal or that all vacutainers containing blood samples taken from the respondent were damaged and that no analysis of the respondent's blood samples was performed; and
- (c) an official of the Central Public Health Laboratory shall deliver the laboratory requisition to the office of the medical officer of health who made the order.

(12) Where the medical officer of health receives a laboratory requisition which indicates that the biohazard bag containing the blood samples taken from a respondent arrived at the Central Public Health Laboratory with a broken seal or that all vacutainers containing blood samples taken from a respondent were damaged and that no analysis of the respondent's blood samples was performed, the medical officer of health may make a new order pursuant to section 22.1 of the Act.

(13) Blood samples taken from a respondent shall be analyzed in accordance with the requirements specified on the laboratory requisition and in accordance with standard laboratory protocol.

(14) The signature of an analyst on a respondent blood analysis report indicates that blood samples taken from a respondent were analyzed in accordance with the requirements specified on the laboratory requisition and in accordance with standard laboratory protocol.

(15) The Central Public Health Laboratory shall deliver a respondent blood analysis report to the office of the medical officer of health named on the laboratory requisition.

(16) The Central Public Health Laboratory shall make reasonable attempts to deliver a respondent blood analysis report to the respondent's physician named on the laboratory requisition.

(17) Where the respondent's physician is not named on the laboratory requisition, the Central Public Health Laboratory shall make no attempts to deliver a respondent blood analysis report to the respondent's physician.

(18) If a respondent blood analysis report has been delivered to the respondent's physician, the Central Public Health Laboratory shall make reasonable attempts to deliver to the respondent named on the laboratory requisition,

- (a) a notice that the Central Public Health Laboratory has delivered a respondent blood analysis report to the respondent's physician; and
- (b) a recommendation that the respondent consult his or her physician for a proper interpretation of the respondent blood analysis report.

(19) The Central Public Health Laboratory shall make reasonable attempts to deliver a respondent blood analysis report to the applicant's physician named on the laboratory requisition.

(20) The Central Public Health Laboratory shall make reasonable attempts to deliver to the applicant named on the laboratory requisition,

- (a) a notice that the Central Public Health Laboratory has made reasonable attempts to deliver a respondent blood analysis report to the applicant's physician; and
- (b) a recommendation that the applicant consult his or her physician for a proper interpretation of the respondent blood analysis report.

Use of blood samples and test results

14. (1) This section applies to blood samples taken from a respondent in accordance with an order made pursuant to section 22.1 of the Act.

(2) Blood samples taken from a respondent shall not be used for any purpose other than for analysis and reporting of results in accordance with section 22.1 of the Act and this Regulation.

(3) Blood samples taken from a respondent shall not be released to any person except in accordance with section 22.1 of the Act and this Regulation.

(4) The results of the analysis of blood samples taken from a respondent shall not be released or disclosed to any person except in accordance with section 22.1 of the Act and this Regulation.

(5) The results of the analysis of blood samples taken from a respondent shall not be used for any purpose other than for analysis and reporting of results in accordance with section 22.1 of the Act and this Regulation.

Physician Report

15. A Physician Report shall include, at a minimum,

- (a) the name, office address, office telephone number and office facsimile number of the reporting physician;
- (b) personal information respecting the applicant, including the applicant's full name, full address, telephone number, OHIP number, sex, age and date of birth;
- (c) the name, office address and office telephone number of the applicant's family physician, if different from the reporting physician;
- (d) a description of the occurrence as reported to the reporting physician by the applicant, including the date and time of the occurrence;
- (e) a statement regarding the type of exposure the applicant experienced and the type of bodily fluid with which the applicant had contact;
- (f) the reporting physician's findings of examinations related to the occurrence, including an assessment of any injuries sustained by the applicant;
- (g) the applicant's immunization history and serostatus for the prescribed communicable diseases, if known;
- (h) a description of all base line testing for the prescribed communicable diseases recommended by the reporting physician, including a statement regarding whether the applicant consented or refused to comply with these recommendations;

- statement regarding whether the applicant consented or refused to comply with these recommendations,
- (j) a statement regarding whether the applicant was counselled respecting the occurrence, including a statement regarding whether the applicant refused counselling;
 - (k) the name, office address, office telephone number and office facsimile number of the physician to whom the reporting physician referred the applicant for post-exposure follow up and care, if applicable;
 - (l) the reporting physician's assessment of the applicant's risk of exposure to the prescribed communicable diseases as potentially significant, non-significant or indeterminate;
 - (m) a statement that the reporting physician is qualified to complete a Physician Report under section 22.1 of the Act;
 - (n) the dated signature of the reporting physician; and
 - (o) the following statements:
 - (i) "If the applicant submits an application to the medical officer of health under section 22.1 of the *Health Protection and Promotion Act* (HPPA),
 - (A) information contained in this form will be disclosed to the medical officer of health and to such other persons the medical officer of health considers necessary for the purpose of the application, and
 - (B) information contained in section "C" (History of Exposure) of this form may be disclosed to the respondent (source)* for the purpose of the application.

* The respondent is the person whose bodily substances the applicant may have come into contact with."
 - (ii) "The applicant must consent to examination, counselling, including counselling respecting prophylaxis or treatment, and base line testing for HIV/AIDS, Hepatitis B and Hepatitis C. Otherwise, the application is invalid and may not be considered by the medical officer of health under section 22.1 of the HPPA. Thus you must order base line testing for the applicant in accordance with this form's instructions."
 - (iii) "While the applicant must consent to counselling respecting prophylaxis or treatment, if the applicant refuses to consent to prophylaxis or treatment, his or her application may still be considered by the medical officer of health."
 - (iv) "Once completed, please give two copies of this Physician Report to the applicant and retain one copy for your records."
 - (v) "The applicant must provide one copy of this form, together with a completed Applicant Report, to the medical officer of health no more than seven days after he or she came into contact with the bodily substance of the respondent. Otherwise, the application is invalid and may not be considered by the medical officer of health under section 22.1 of the HPPA."
 - (vi) "Applicant's base line testing requisition is to be marked "STAT". A copy of the applicant's base line testing results must also be sent to the applicant's physician named in section "B" above."

Appeal to Chief Medical Officer of Health

16. (1) In this section,

"dismissal appeal record" means the documents prepared in accordance with subsection (7) by the office of the medical officer of health who dismissed the application and includes,

- (a) the Physician Report,
- (b) the Applicant Report,
- (c) the dismissal made by the medical officer of health pursuant to section 7, and
- (d) the written record of any other information received and considered by the medical officer of health in dismissing the application;

"file" means delivery of a document to the office of the Chief Medical Officer of Health by way of personal service, service by pre-paid registered mail or service by fax;

"Form AP1 - Notice of Appeal of Dismissal or Refusal" means Form AP1 - Notice of Appeal of Dismissal or Refusal made in the form approved by the Minister;

"Form AP2 - Response to Applicant's Appeal" means Form AP2 - Response to Applicant's Appeal made in the form approved by the Minister;

"refusal appeal record" means the documents prepared in accordance with subsection (14) by the office of the medical officer of health who refused the order and includes,

- (a) the Physician Report,
- (b) the Applicant Report,
- (c) the Respondent Report, in cases where the medical officer of health held a hearing,
- (d) the refusal made by the medical officer of health pursuant to section 12, and
- (e) the written record of any other information received and considered by the medical officer of health in refusing the order;

“respondent appeal record” means the documents prepared in accordance with subsection (14) by the office of the medical officer of health who refused the order and includes,

- (a) Section “C” (History of Exposure) of the Physician Report,
- (b) Sections “C” (Details of Occurrence) and “D” (Additional Information) of the Applicant Report,
- (c) the refusal made by the medical officer of health pursuant to section 12, and
- (d) the written record of any other information received and considered by the medical officer of health in refusing the order.

(2) An applicant’s appeal pursuant to subsection 22.1 (9) of the Act shall be considered and determined in accordance with the procedure provided in this section.

(3) The Chief Medical Officer of Health may seek legal advice from an advisor independent from the applicant and the respondent for the purpose of determining an appeal under subsection 22.1 (9) of the Act.

(4) A decision of the Chief Medical Officer of Health made pursuant to subsection 22.1 (9) of the Act is final and not subject to further review or appeal.

(5) The time for filing an appeal of a dismissal or a refusal is mandatory and shall not be extended by the Chief Medical Officer of Health.

(6) An applicant may commence an appeal of a dismissal by filing a completed Form AP1 - Notice of Appeal of Dismissal or Refusal with the office of the Chief Medical Officer of Health within five days of the deemed receipt of the dismissal pursuant to section 7.

(7) In the case of an appeal of a dismissal, within two days of receiving Form AP1, the office of the Chief Medical Officer of Health shall request that the office of the medical officer of health who dismissed the application file the dismissal appeal record with the office of the Chief Medical Officer of Health, and the office of the medical officer of health shall file the dismissal appeal record within two days of receiving the request.

(8) Within seven days of receiving the dismissal appeal record or as soon after seven days of receiving the dismissal appeal record as is reasonably practicable, the Chief Medical Officer of Health, without notice to the respondent, shall review the applicant’s Form AP1 and the dismissal appeal record and determine whether the applicant has or has not met the mandatory conditions in section 7.

(9) If the Chief Medical Officer of Health determines that the applicant has not met one or more of the mandatory conditions in section 7, the Chief Medical Officer of Health shall confirm the dismissal made by the medical officer of health.

(10) The Chief Medical Officer of Health’s confirmation of the dismissal shall be in writing and be delivered by fax or pre-paid registered mail to the applicant.

(11) If the Chief Medical Officer of Health determines that the applicant has met all of the mandatory conditions in section 7, the Chief Medical Officer of Health shall refer the applicant’s application back to the medical officer of health who dismissed the application, with a direction that the medical officer of health consider and determine the application in accordance with this Regulation.

(12) Upon referring an application back to a medical officer of health under subsection (11), the Chief Medical Officer of Health shall deliver a notice that the application has been referred back to the medical officer of health for consideration and determination to the applicant by fax or pre-paid registered mail.

(13) An applicant may commence an appeal of a refusal by filing a completed Form AP1 with the office of the Chief Medical Officer of Health within five days of the deemed receipt of the refusal pursuant to section 12.

(14) In the case of an appeal of a refusal, within two days of receiving Form AP1, the office of the Chief Medical Officer of Health shall request that the office of the medical officer of health who refused the order file the refusal appeal record and the respondent appeal record with the office of the Chief Medical Officer of Health, and the office of the medical officer of health shall file the refusal appeal record and the respondent appeal record within two days of receiving the request.

(15) The Chief Medical Officer of Health shall, within two days of receiving the refusal appeal record from the office of the medical officer of health, deliver to the respondent by personal service, service by fax or service by pre-paid registered mail, a copy of the respondent appeal record, a blank Form AP2 - Response to Applicant’s Appeal and a copy of Section “D”

should consider) of Part 2 of the Form AP2.

(16) For the purposes of subsection (15),

- (a) service by registered mail is effective on the fifth day following the day on which the document was sent by pre-paid registered mail; and
- (b) service by fax is effective on the next business day if the document is faxed after 4 p.m.

(17) Within seven days of the day on which the respondent is deemed to have received the Form AP2, the respondent may file the Form AP2 with the office of the Chief Medical Officer of Health.

(18) The Chief Medical Officer of Health shall, within two days of receiving Form AP2, deliver to the appellant by personal service, service by fax or service by pre-paid registered mail, a copy of Section "B" (Response to Applicant's Submissions in Form AP1) and Section "C" (Additional Information That the Chief Medical Officer of Health Should Consider) of the Form AP2.

(19) The Chief Medical Officer of Health may, but is not required to, request and receive additional information from any person that is, in the opinion of the Chief Medical Officer of Health, necessary to determine the applicant's appeal.

(20) Where the Chief Medical Officer of Health receives additional information, the applicant and respondent shall be provided with the additional information and be given an opportunity to make written submissions on the additional information to the Chief Medical Officer of Health.

(21) The process for the disclosure and written submissions shall be determined by the Chief Medical Officer of Health.

(22) Within 14 days, or as soon after 14 days as is reasonable practicable, of the date when the respondent was required to file his or her Form AP2, the Chief Medical Officer of Health shall consider the refusal appeal record, the appeal submissions, and any additional information received by the Chief Medical Officer of Health pursuant to subsection (19) and determine the applicant's appeal of the refusal.

(23) The decision of the Chief Medical Officer of Health shall be in writing and include reasons for the decision.

(24) In cases where the Chief Medical Officer of Health considers the same information that was considered by the medical officer of health in refusing the order, the Chief Medical Officer of Health shall determine if the refusal made by the medical officer of health is clearly wrong.

(25) If the Chief Medical Officer of Health determines that the refusal is not clearly wrong, the Chief Medical Officer of Health shall confirm the refusal made by the medical officer of health.

(26) The Chief Medical Officer of Health's confirmation of the refusal shall be in writing and be delivered by fax or pre-paid registered mail to the applicant.

(27) If the Chief Medical Officer of Health determines that the refusal is clearly wrong, the Chief Medical Officer of Health shall direct the medical officer of health who refused the order to make the order sought by the applicant in accordance with section 11.

(28) In cases where the Chief Medical Officer of Health considers information that was not considered by the medical officer of health in refusing the order, the Chief Medical Officer of Health shall determine if, based on all of the information, including the new information, the refusal made by the medical officer of health remains correct.

(29) If the Chief Medical Officer of Health determines that the refusal remains correct, the Chief Medical Officer of Health shall confirm the refusal made by the medical officer of health.

(30) The Chief Medical Officer of Health's confirmation of the refusal shall be in writing and be delivered by fax or pre-paid registered mail to the applicant.

(31) If the Chief Officer of Health determines that the refusal is no longer correct, the Chief Medical Officer of Health shall direct the medical officer of health who refused the order to make the order sought by the applicant in accordance with section 11.

Commencement

17. This Regulation comes into force on September 1, 2003.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on May 1, 2003.

20/03

ONTARIO REGULATION 167/03

made under the

DEVELOPMENT CORPORATIONS ACT

Made: May 1, 2003

Filed: May 2, 2003

Amending O. Reg. 43/02
(Smart Systems for Health Agency)

Note: Ontario Regulation 43/02 has not previously been amended.

1. (1) Subsection 5 (1) of Ontario Regulation 43/02 is amended by adding the following paragraph:

6. Information systems established by or on behalf of the Public Health Branch of the Ministry of Health and Long-Term Care that are related to the control of reportable diseases and communicable diseases within the meaning of the *Health Protection and Promotion Act*.

(2) Clause 5 (5) (c) of the Regulation is revoked and the following substituted:

- (c) the Deputy Minister of Health and Long-Term Care,
- (i) in the case of a system or initiative respecting community care access centres or health care providers and laboratories, or
 - (ii) in the case of the Health Network or a system of the Public Health Branch of the Ministry of Health and Long-Term Care.

20/03

ONTARIO REGULATION 168/03

made under the

MUNICIPAL ACT, 2001

Made: May 1, 2003

Filed: May 2, 2003

MUNICIPAL BUSINESS CORPORATIONS**Interpretation****1. (1) In this Regulation,**

“corporation” means a corporation incorporated by a municipality under this Regulation;

“municipal capital facilities” includes only,

- (a) facilities that are,
 - (i) used by the council,
 - (ii) for the general administration of the municipality,
 - (iii) related to the provision of transit and transportation systems, or
 - (iv) for the collection and management of residential waste and garbage,
- (b) facilities that combine the facilities described in clause (a),
- (c) municipal community centres and facilities used for cultural, recreational or tourist purposes,
- (d) parking facilities ancillary to any of the facilities described in clauses (a), (b) and (c),
- (e) municipal general parking facilities;

“private person” means a person who is not a municipality, the Province of Ontario, Canada or an agent of any of them;

under Part III of the *Corporations Act* is a municipality, by itself or together with other municipalities, has an entitlement to all of the voting rights allocated to the members of the corporation.

(2) A corporation incorporated under this Regulation is a prescribed corporation under subsection 203 (1) of the Act.

Creation of corporations

2. (1) A municipality may incorporate one or more corporations under the *Business Corporations Act* or under Part III of the *Corporations Act* for one or more of the following purposes:

1. To operate and maintain a public transportation system.
2. To operate and maintain a waste management service for the collection, transfer, storage, disposal or recycling of residential waste.
3. To promote the municipality for any purpose through the collection and dissemination of information and the preparation of economic development strategic plans to advance the municipality's economic goals and objectives.
4. To provide municipal administrative services to municipalities, local boards, public hospitals, universities, colleges and school boards, excluding enforcement of any Act, regulation or by-law.
5. To be a party to an agreement made under section 110 of the Act and under the agreement operate and maintain one or more municipal capital facilities of a municipality that is also party to the agreement.
6. To construct, operate, maintain and own, including ownership of the land related thereto, one or more of the following facilities:
 - i. A nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act*.
 - ii. Recreation, tourism and cultural facilities, except public libraries.
 - iii. General parking facilities.
 - iv. Public transportation systems.
 - v. Waste management facilities for the collection, transfer, storage, disposal and recycling of residential waste.

(2) Paragraphs 1 to 5 of subsection (1) do not permit the corporation incorporated for or carrying on a purpose described in those paragraphs to own the land related to the facility, system or service described in those paragraphs.

(3) The purposes described in paragraph 6 of subsection (1) are limited to the construction, operation, maintenance and ownership of facilities that are new when the corporation first carries on its business with respect to them.

(4) A municipality may incorporate a corporation alone or together with one or more other municipalities.

(5) A corporation may only operate,

- (a) within the boundaries of the incorporating municipality or municipalities if it or they are single-tier municipalities;
- (b) within the boundaries of a lower-tier municipality if the lower-tier municipality is an incorporating municipality or it agrees to allow the corporation to operate in the lower-tier municipality;
- (c) within the boundaries of an upper-tier municipality if the upper-tier municipality is an incorporating municipality or it agrees to allow the corporation to operate in the upper-tier municipality; or
- (d) within any municipality with its agreement.

(6) The operations of a corporation under clause (5) (b) do not require the agreement of the upper-tier municipality and the operations of a corporation under clause (5) (c) do not require the agreement of any lower-tier municipality.

(7) The articles of incorporation or letters patent, including any subsequent articles or supplementary letters patent, shall restrict the powers or limit the objects of a corporation to carrying on one or more of the purposes set out in subsection (1) and subsection 3 (1).

(8) A municipality shall ensure that the articles of incorporation of a corporation, including any subsequent articles, or the letters patent of a corporation, including any supplementary letters patent, meet the requirements of this section and section 3.

(9) Letters patent issued under Part III of the *Corporations Act* in respect of a corporation incorporated under paragraph 3 of subsection (1) shall restrict membership in the corporation to the incorporating municipality or to another municipality that has agreed to allow the corporation to carry on business in that municipality.

(10) Despite subsection (1), a corporation incorporated under paragraph 3 of subsection (1) or carrying on business that includes the purpose identified by that paragraph shall only be incorporated under Part III of the *Corporations Act*.

Regional Municipality of York

3. (1) A corporation incorporated by The Regional Municipality of York for any purpose described in paragraph 1 or 5 of subsection 2 (1) or subparagraph 6 iii or iv of subsection 2 (1) may be incorporated for one or more of the following additional purposes:

1. To develop one or more sites for an industrial, commercial or institutional use if the sites are part of, abut or are necessary for a system or facility of the corporation for public transportation.
2. To develop one or more sites for and construct, operate and maintain one or more housing projects used in whole or in part for residential accommodation on those sites, including facilities used for ancillary purposes, and located in one or more buildings used in whole or in part for residential accommodation if the sites are part of, abut or are necessary for a system or facility of the corporation for public transportation.
3. To sell, lease or otherwise dispose of or encumber all or any part of a site or project referred to in paragraph 1 or 2 to support or benefit a system or facility of the corporation for public transportation.

(2) The purposes described in subsection (1) are limited to the construction, operation, maintenance and ownership of facilities or projects that are new when the corporation first carries on its business with respect to them.

Holding corporations

4. (1) A municipality may incorporate a corporation under the *Business Corporations Act* with articles of incorporation that restrict the powers of the corporation to those necessary to acquire, hold, dispose of and otherwise deal with,

- (a) shares of one or more corporations incorporated by the municipality;
- (b) shares of one or more corporations incorporated by another municipality that the first municipality has agreed to allow to carry on business in the municipality;
- (c) shares of a corporation incorporated by the municipality under section 142 of the *Electricity Act, 1998*; or
- (d) any combination of shares described in clauses (a), (b) and (c).

(2) The articles of incorporation of a corporation to which subsection (1) applies shall restrict the ownership of any and all voting and non-voting shares in the corporation to the incorporator.

Result of non-compliance

5. Any of the following matters may be considered sufficient cause under section 240 of the *Business Corporations Act* or under section 317 of the *Corporations Act*, as applicable, to cancel the certificate of incorporation of a corporation or the letters patent or supplementary letters patent of a corporation:

1. The corporation does not meet the requirements of this Regulation.
2. A certificate is issued under the *Business Corporations Act* that is inconsistent with this Regulation.
3. Letters patent or supplementary letters patent are granted under the *Corporations Act* that are inconsistent with this Regulation.
4. The corporation acts outside the purposes to which it is restricted by its articles or letters patent.

Business case study

6. (1) A municipality shall undertake a business case study before it,

- (a) incorporates a corporation;
- (b) purchases shares in a corporation that the municipality has agreed to allow to carry on business in the municipality;
- (c) becomes a member of a corporation incorporated under Part III of the *Corporations Act*; or
- (d) submits articles of amendment or any other articles under the *Business Corporations Act* or supplementary letters patent under the *Corporations Act*.

(2) The business case study shall, at a minimum, address the following matters:

1. The projected financial consequences for the next five years, including the advantages and disadvantages and risks for the municipality, and a comparison with other options considered for providing the same service or facility.
2. The scope of the business to be carried on by the corporation and the permitted purposes or objects of the corporation.
3. The governance structure to be set out in the articles of incorporation, by-laws, letter patents and other documents of the corporation, including the composition, role and term of office of the directors of the corporation.
4. The accountability requirements of the corporation to the municipality and its taxpayers, including,
 - i. a policy on access by the public to the records and meetings of the corporation,

corporation and its shareholders;

- iii. a summary of all financial reporting or audit requirements,
 - iv. a statement of the financial risk to the municipality related to the corporation and its activities, and
 - v. a statement of any tax implications to the municipality, including the expected tax treatment of the corporation.
5. The original value, as estimated by the treasurer of the municipality, of any investment by the municipality in the corporation, including any assets to be transferred to the corporation and services or other benefits to be provided to it.
 6. The value of any proposed investment in the corporation by a private person.
 7. The original value, as estimated by the treasurer of the municipality, of any funds contributed by the Province of Ontario towards the purchase or improvement of any assets intended to be transferred to the corporation and evidence that section 21 has been complied with.
 8. The winding-up provisions of the corporation, including provisions respecting voluntary dissolution, bankruptcy, involuntary wind-up and the disposition of assets.
 9. The authority of the municipality to provide any facility or program that is to be provided by the corporation for the municipality.
 10. The corporation's proposed or existing policy on setting fees and charges and an explanation of how the municipality will protect the interest of taxpayers and ensure that value for money is being obtained in delivering services.
 11. How the municipality intends to address any labour and employment issues that arise as a result of the proposed action by the municipality.
 12. An asset management plan for any corporation that will receive municipal assets.
 13. How the municipality will ensure that both itself and the corporation adhere to applicable performance standards for the delivery of services and comply with any other duty or obligation required of the municipality or corporation under any Act, regulation or policy directive issued by the Province.
 14. The public competition process used or to be used to select any investor in the corporation who is a private person.
 15. Other matters that the municipality considers to be appropriate.

Public participation

7. (1) Before incorporating a corporation, a municipality shall,
 - (a) hold at least one public meeting;
 - (b) give at least 30 days notice of the public meeting or meetings; and
 - (c) ensure that copies of the proposed by-law authorizing the incorporation, with the business case study attached, are made available to the public at least 30 days before the meeting or, if there is more than one meeting, before the first meeting.
- (2) Any person who attends a meeting under this section may make representations relating to the proposed by-law and the business case study.
- (3) After the public meeting or meetings have been held, the municipality may adopt the business case study and pass the proposed by-law.
- (4) If a proposed by-law or the business case study is changed following a meeting under this section, the municipality may elect to hold further meetings or may elect to not hold further meetings and the decision of the municipality is final.
- (5) Nothing in this section restricts the ability of a municipality to hold other public meetings before the completion of the business case study.
- (6) The proposed by-law may only be passed within the one-year period following the completion of the business case study.

Limitations on actions of corporation

8. (1) A corporation shall not act as an incorporator of another corporate body that is incorporated under any Act.
- (2) A corporation may not enter into a trust agreement, except a trust agreement or indenture for the purpose of obtaining financing for the corporation.
- (3) A corporation may only invest in securities prescribed under section 418 of the Act and, for the purpose of this subsection, any regulation made under subsection 418 (6) of the Act applies to the corporation as if it were a municipality.

(4) To expand or otherwise carry on its purposes, a corporation, other than a corporation incorporated under section 4, may acquire all of the voting and non-voting shares of,

- (a) another corporation incorporated under this Regulation;
- (b) a body corporate incorporated under any Act of Ontario if the articles of incorporation of the body corporate restrict the powers or limit the objects of the body corporate to carrying on one or more of the purposes set out in subsection 2 (1).

(5) A body corporate, the shares of which have been acquired under subsection (4), must be dissolved and its remaining assets and liabilities transferred to the acquiring corporation within one year of the date of the acquisition of the shares.

(6) A corporation may become a member of another corporation incorporated under Part III of the *Corporations Act* only if they both have the same objects and if the corporation is allocated a minimum of 51 per cent of the voting rights allocated to members of the other corporation, but nothing in this section prevents a corporation from joining an industry or professional association.

Deemed members

9. The directors and officers of a corporation that is wholly-owned by a municipality or municipalities are deemed to be members for the purposes of the *Municipal Conflict of Interest Act*.

Deemed institutions

10. A corporation that is wholly-owned by a municipality or municipalities and a corporation incorporated under paragraph 4 of subsection 2 (1) are deemed to be institutions for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.

Limitation

11. A municipality may incorporate a corporation only if,

- (a) the corporation's purpose is to provide a service, system or facility that could be provided directly by the municipality;
or
- (b) the corporation is incorporated under section 4.

Appointments by municipality

12. A municipality may appoint one or more persons to sign articles of incorporation or subsequent articles or an application for letters patent or supplementary letters patent for the incorporation of a corporation on its behalf and the municipality may appoint or authorize the appointment of the directors, officers or members of the corporation or of a corporation incorporated by another municipality that is carrying on business in the municipality.

Goods and services

13. (1) A municipality may enter into a contract for goods or services with a corporation only as the result of a public competition process.

(2) Despite subsection (1), a municipality may enter into a contract for goods or services with a corporation incorporated by the municipality or a corporation the shares of which the municipality has purchased, without a public competition process, if the corporation is wholly-owned by the municipality or by the municipality together with other municipalities and the corporation is limited by its articles of incorporation or letters patent to providing services to that municipality or those municipalities.

(3) Despite subsection (1), a municipality may enter into a contract for goods or services with a corporation incorporated by the municipality or a corporation the shares of which the municipality has purchased, that is not wholly-owned by the municipality or municipalities, without a public competition process, if any private person who invests in shares of the corporation has been selected through a public competition process described in paragraph 14 of subsection 6 (2) as part of the business case study for the corporation undertaken by the municipality.

(4) Despite subsections (2) and (3), a municipality shall not enter into a contract for goods or services with a corporation authorized to carry on business with respect to a waste management service or facility without a public competition process.

No assignment

14. A municipality shall not assign or transfer any right granted to it in any agreement between the municipality and the Province of Ontario to a corporation without first obtaining the consent of the Minister responsible for the agreement.

Inspection

15. A municipality may inspect the accounting or other financial records of a corporation of which it is a shareholder or member at any time upon reasonable notice to the corporation.

10. A municipality may require a corporation of which it is a shareholder or member to submit audited financial statements to the municipality at any time upon reasonable notice to the corporation.

Holding of shares and voting rights

17. (1) Subject to subsection (2), a municipality may acquire, hold, dispose of and otherwise deal with shares of a corporation incorporated by it or with shares of a corporation incorporated by another municipality that is carrying on business in the municipality.

(2) A municipality, by itself or together with other municipalities that hold shares in a corporation, must at all times retain at least 51 per cent of the total voting rights attached to all voting shares issued by the corporation.

(3) A municipality, by itself or together with other municipalities, must at all times maintain an entitlement to at least 51 per cent of the total voting rights allocated to the members of a corporation incorporated under Part III of the *Corporations Act*.

Debt instruments

18. (1) A municipality may acquire, hold, dispose of and otherwise deal with bonds, debentures, promissory notes, mortgages and other evidences of indebtedness of a corporation only if the debt would be incurred as the result of,

(a) the transfer of a municipal property asset to a corporation incorporated by the municipality or to a corporation incorporated by another municipality that the municipality has agreed to allow to carry on business in the municipality; or

(b) an action taken by the municipality under section 19.

(2) In this section,

“municipal property asset” means an asset of a municipality that is land, equipment or other goods.

Deemed commercial enterprise

19. (1) A corporation is deemed to be a commercial enterprise under section 106 of the Act.

(2) Despite subsection (1), a municipality may provide assistance to a corporation,

(a) if the corporation is wholly-owned by the municipality or by the municipality and other municipalities and the corporation is limited by its articles or letters patent to providing services to that municipality or those municipalities;

(b) if the purpose of the assistance is to subsidize the cost of public transportation facilities or services or public access to recreational and cultural facilities; or

(c) if the municipality is party to an agreement with the corporation to operate and maintain municipal capital facilities under section 110 of the Act.

(3) The types of assistance that may be provided under subsection (2) are,

(a) exemption from taxation or development charges or other assistance under an agreement or a by-law made under section 110 of the Act if the municipality is party to an agreement with the corporation to operate and maintain municipal capital facilities under that section;

(b) assistance provided by the council exercising its authority under subsection 28 (6) or (7) of the *Planning Act*;

(c) giving, lending or selling any property of the municipality, including money;

(d) guaranteeing borrowing;

(e) providing the services of employees of the municipality.

(4) The assistance provided under clause (3) (c), (d) or (e) need not be at fair market value.

(5) Nothing in subsection (2), (3) or (4) authorizes a municipality to provide assistance,

(a) inconsistent with a purpose of a corporation;

(b) as a transfer that would not be permitted under section 22;

(c) for or in respect of an investment or other transaction made by a corporation under section 8; or

(d) for or in respect of a share transaction under section 17.

(6) The treasurer shall prepare a statement of the value of any grant or an estimate of the fair market value of any other assistance provided at less than fair market value under subsection (2).

(7) The municipality shall attach the estimate or statement to the agreement or other documentation evidencing the grant or assistance.

Status of corporation

20. (1) A corporation is not a local board for the purposes of any Act.

(2) Despite subsection (1), a corporation is deemed to be a local board for purposes of the *Environmental Assessment Act*, the *Municipal Conflict of Interest Act*, and sections 270 and 271 of the *Municipal Act, 2001*.

(3) Despite subsection (1), if a corporation is wholly-owned by the municipality alone or together with other municipalities, it is deemed to be a local board for the purposes of the *Development Charges Act, 1997*.

Condition for incorporation

21. (1) Before incorporating a corporation, a municipality shall notify the Minister of Municipal Affairs and Housing and any other Minister whose Ministry has made a financial contribution to an asset that is intended to be transferred to the corporation of the value, as estimated by the treasurer of the municipality, of any funds contributed at any time by the Province of Ontario to the purchase or improvement of any assets intended to be transferred to the corporation.

(2) A Minister who receives a notice under subsection (1) may accept the valuation of the treasurer of the municipality or may otherwise determine the value of the contribution and shall notify the municipality in writing within six months of the receipt of the notice as to the requirement for repayment or to indicate the release of the Province's interest in the asset being transferred or the proceeds of the transfer.

(3) A municipality may not incorporate a corporation until one of the following conditions are met:

1. Six months have passed since notice was given under subsection (1) and no response has been received by the Province within that period.
2. The Province has notified the municipality of its acceptance of the valuation by the treasurer and of any requirement for repayment.
3. The Province has notified the municipality of its rejection of the valuation by the treasurer, of its own valuation and of any requirement for repayment.
4. The Province has notified the municipality that it releases its interest in the asset being transferred or in the proceeds of the transfer.

(4) The fact that the incorporating municipality has not complied with this section may be considered sufficient cause under section 240 of the *Business Corporations Act* or under section 317 of the *Corporations Act*, as applicable, to cancel the certificate of incorporation of a corporation or the letters patent or supplementary letters patent of a corporation.

Transfer of land

22. (1) A municipality may only sell land to a corporation if the sale is consistent with the purpose of the corporation and the land is vacant land.

(2) A municipality may lease or otherwise dispose of any land to a corporation only if the lease or other disposition is consistent with the purpose of the corporation and is for a period, including any possible renewal of the lease or other option to extend the period of disposition, of not more than 40 years.

(3) Despite subsections (1), (2) and (4), a municipality shall not sell, lease or otherwise dispose of land to a corporation if the land is used for parks or housing projects, as described in paragraph 2 of subsection 3 (1).

(4) Despite subsection (1), a municipality may sell land that has existing buildings or structures on it to a corporation incorporated under subsection 3 (1) if the buildings or structures are being used exclusively for or are necessary for the maintenance and operation of a transportation system.

(5) The following, if not being used, is vacant land for the purposes of this section:

1. Land that has no buildings or structures on it.
2. Land upon which a building or structure is being built.
3. Land upon which a building or structure has been built if no part of the building or structure has yet been used.
4. Land upon which a building or structure has been built if the building or structure is substantially unusable.

(6) Any occupation of a building or structure is a use, for the purpose of paragraph 3 of subsection (5), and once a building or structure has been occupied, the land upon which the building or structure is located cannot be vacant land unless the building or structure becomes substantially unusable.

made under the
SAFE DRINKING WATER ACT, 2002

Made: April 24, 2003
Filed: May 2, 2003

ONTARIO DRINKING-WATER QUALITY STANDARDS

Standards

1. The standards set out in Schedules 1, 2 and 3 are prescribed as drinking-water quality standards for the purposes of the Act.

Deemed compliance

2. (1) A person who, pursuant to section 10 of the Act or otherwise, has an obligation to ensure that water meets a standard set out in Schedule 1, 2 or 3 shall be deemed not to have contravened the obligation if, in circumstances where the water does not meet the standard, the person immediately contacts the medical officer of health and takes such other steps as are directed by the medical officer of health.

(2) Despite subsection (1), the owner or operating authority of a drinking-water system that provides water that does not meet a standard set out in Schedule 1, 2 or 3 shall be deemed not to have contravened paragraph 1 of subsection 11 (1) of the Act only if the owner or operating authority ensures that the appropriate corrective action is taken under Schedule 17 or 18 to Ontario Regulation 170/03 (Drinking-Water Systems).

Commencement

3. This Regulation comes into force on the day subsection 11 (1) of the *Safe Drinking Water Act, 2002* comes into force.

SCHEDULE 1 MICROBIOLOGICAL STANDARDS

Item	Microbiological Parameter	Standard (expressed as a maximum)
1.	<i>Escherichia coli</i> (E. coli)	Not detectable
2.	Fecal coliforms	Not detectable
3.	Total coliforms	Not detectable
4.	General bacteria population expressed as background colony counts on the total coliform membrane filter	200 colony forming units (CFU) per 100 millilitres
5.	General bacteria population expressed as colony counts on a heterotrophic plate count	500 colony forming units (CFU) per millilitre

SCHEDULE 2 CHEMICAL STANDARDS

Item	Chemical Parameter	Standard (expressed as a maximum concentration in milligrams per litre)
1.	Alachlor	0.005
2.	Aldicarb	0.009
3.	Aldrin + Dieldrin	0.0007
4.	Antimony	0.006
5.	Arsenic	0.025
6.	Atrazine + N-dealkylated metabolites	0.005
7.	Azinphos-methyl	0.02
8.	Barium	1.0
9.	Bendiocarb	0.04
10.	Benzene	0.005
11.	Benzo(a)pyrene	0.00001
12.	Boron	5.0
13.	Bromate	0.01

Item	Chemical Parameter	Standard (expressed as a maximum concentration in milligrams per litre)
14.	Bromoxynil	0.005
15.	Cadmium	0.005
16.	Carbaryl	0.09
17.	Carbofuran	0.09
18.	Carbon Tetrachloride	0.005
19.	Chloramines	3.0
20.	Chlordane (Total)	0.007
21.	Chlorpyrifos	0.09
22.	Chromium	0.05
23.	Cyanazine	0.01
24.	Cyanide	0.2
25.	Diazinon	0.02
26.	Dicamba	0.12
27.	1,2-Dichlorobenzene	0.2
28.	1,4-Dichlorobenzene	0.005
29.	Dichlorodiphenyltrichloroethane (DDT) + metabolites	0.03
30.	1,2-dichloroethane	0.005
31.	1,1-Dichloroethylene (vinylidene chloride)	0.014
32.	Dichloromethane	0.05
33.	2,4-Dichlorophenol	0.9
34.	2,4-Dichlorophenoxy acetic acid (2,4-D)	0.1
35.	Diclofop-methyl	0.009
36.	Dimethoate	0.02
37.	Dinoseb	0.01
38.	Dioxin and Furan	0.000000015 *
39.	Diquat	0.07
40.	Diuron	0.15
41.	Fluoride	1.5
42.	Glyphosate	0.28
43.	Heptachlor + Heptachlor Epoxide	0.003
44.	Lead	0.01
45.	Lindane (Total)	0.004
46.	Malathion	0.19
47.	Mercury	0.001
48.	Methoxychlor	0.9
49.	Metolachlor	0.05
50.	Metribuzin	0.08
51.	Microcystin LR	0.0015
52.	Monochlorobenzene	0.08
53.	Nitrate (as nitrogen)	10.0
54.	Nitrite (as nitrogen)	1.0
55.	Nitrate + Nitrite (as nitrogen)	10.0
56.	Nitrilotriacetic Acid (NTA)	0.4
57.	Nitrosodimethylamine (NDMA)	0.000009
58.	Paraquat	0.01
59.	Parathion	0.05
60.	Pentachlorophenol	0.06
61.	Phorate	0.002
62.	Picloram	0.19
63.	Polychlorinated Biphenyls (PCB)	0.003
64.	Prometryne	0.001
65.	Selenium	0.01
66.	Simazine	0.01
67.	Temephos	0.28
68.	Terbufos	0.001
69.	Tetrachloroethylene (perchloroethylene)	0.03
70.	2,3,4,6-Tetrachlorophenol	0.1
71.	Triallate	0.23
72.	Trichloroethylene	0.05
73.	2,4,6-Trichlorophenol	0.005
74.	2,4,5-Trichlorophenoxy acetic acid (2,4,5-T)	0.28

		a maximum concentration in milligrams per litre)
75.	Trifluralin	0.045
76.	Trihalomethanes	0.100 ^b
77.	Uranium	0.02
78.	Vinyl Chloride	0.002

Footnotes:

^a Total toxic equivalents when compared with 2,3,7,8-TCDD (tetrachlorodibenzo-p-dioxin).

^b This standard is expressed as a running annual average.

SCHEDULE 3

RADIOLOGICAL STANDARDS

Item	Radiological Parameter	Standard (expressed as a maximum in becquerels per litre)
Natural Radionuclides		
1.	Beryllium-7	4000.0
2.	Bismuth -210	70.0
3.	Lead-210	0.1
4.	Polonium-210	0.2
5.	Radium-224	2.0
6.	Radium-226	0.6
7.	Radium-228	0.5
8.	Thorium-228	2.0
9.	Thorium-230	0.4
10.	Thorium-232	0.1
11.	Thorium-234	20.0
12.	Uranium-234	4.0
13.	Uranium-235	4.0
14.	Uranium-238	4.0
Artificial Radionuclides		
15.	Americium-241	0.2
16.	Antimony-122	50.0
17.	Antimony-124	40.0
18.	Antimony-125	100.0
19.	Barium-140	40.0
20.	Bromine-82	300.0
21.	Calcium-45	200.0
22.	Calcium-47	60.0
23.	Carbon-14	200.0
24.	Cerium-141	100.0
25.	Cerium-144	20.0
26.	Cesium-131	2000.0
27.	Cesium-134	7.0
28.	Cesium-136	50.0
29.	Cesium-137	10.0
30.	Chromium-51	3000.0
31.	Cobalt-57	40.0
32.	Cobalt-58	20.0
33.	Cobalt-60	2.0
34.	Gallium-67	500.0
35.	Gold-198	90.0
36.	Indium-111	400.0
37.	Iodine-125	10.0
38.	Iodine-129	1.0
39.	Iodine-131	6.0
40.	Iron-55	300.0
41.	Iron-59	40.0
42.	Manganesec-54	200.0

Item	Radiological Parameter	Standard (expressed as a maximum in becquerels per litre)
43.	Mercury-197	400.0
44.	Mercury-203	80.0
45.	Molybdenum-99	70.0
46.	Neptunium-239	100.0
47.	Niobium-95	200.0
48.	Phosphorus-32	50.0
49.	Plutonium-238	0.3
50.	Plutonium-239	0.2
51.	Plutonium-240	0.2
52.	Plutonium-241	10.0
53.	Rhodium-105	300.0
54.	Rubidium-81	3000.0
55.	Rubidium-86	50.0
56.	Ruthenium-103	100.0
57.	Ruthenium-106	10.0
58.	Selenium-75	70.0
59.	Silver-108m	70.0
60.	Silver-110m	50.0
61.	Silver-111	70.0
62.	Sodium-22	50.0
63.	Strontium-85	300.0
64.	Strontium-89	40.0
65.	Strontium-90	5.0
66.	Sulphur-35	500.0
67.	Technetium-99	200.0
68.	Technetium-99m	7000.0
69.	Tellurium-129m	40.0
70.	Tellurium-131m	40.0
71.	Tellurium-132	40.0
72.	Thallium-201	2000.0
73.	Tritium	7000.0
74.	Ytterbium-169	100.0
75.	Yttrium-90	30.0
76.	Yttrium-91	30.0
77.	Zinc-65	40.0
78.	Zirconium-95	100.0

Notes:

Radionuclide concentrations that exceed the standard may be tolerated for a short period, as long as the annual average concentrations remain below the standard and the restriction (see immediately below) for multiple radionuclides is met.

Restrictions for multiple radionuclides: If two or more radionuclides are present, the following relationship, based on International Commission on Radiological Protection (ICRP) Publication 26, must be satisfied and, if not satisfied, the standard shall be considered to have been exceeded:

$$\frac{c_1}{C_1} + \frac{c_2}{C_2} + \dots + \frac{c_i}{C_i} \leq 1$$

where c_1 , c_2 and c_i are the observed concentrations, and C_1 , C_2 and C_i are the maximum acceptable concentrations for each contributing radionuclide.

20/03

made under the
SAFE DRINKING WATER ACT, 2002

Made: April 24, 2003
Filed: May 2, 2003

DRINKING-WATER SYSTEMS

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Interpretation: general

1. (1) In this Regulation,

“appurtenance” includes a valve, valve chamber, hydrant, hydrant lead, flow meter, curb stop, maintenance access point, personnel access opening or other minor accessory part of a watermain;

“certified operator” means,

- (a) a person who holds an operator-in-training’s licence or any class of water treatment facility or water distribution facility operator’s licence under section 6 or 8 of Ontario Regulation 435/93 (Water Works and Sewage Works),
- (b) a person who holds a water treatment facility or water distribution facility conditional operator’s licence issued under section 6.1 of Ontario Regulation 435/93, or
- (c) a person who has qualifications that, in the opinion of the Director, are equivalent to the qualifications required for a licence referred to in clause (a);

“children’s camp” means a camp that is intended primarily for campers under 18 years of age and that is a class A camp or class B camp within the meaning of Regulation 568 of the Revised Regulations of Ontario, 1990 (Recreational Camps) under the *Health Protection and Promotion Act*;

“chloramination” means combined chlorine residual disinfection where the combined chlorine residual is predominately in the form of monochloramine;

“chlorination” means free chlorine residual disinfection;

“day nursery” means a day nursery as defined in the *Day Nurseries Act*;

“delivery agent care facility” means,

- (a) a place where an emergency hostel service that receives funding under the *Ontario Works Act, 1997* is provided,
- (b) a domiciliary hostel that receives funding under the *Ministry of Community and Social Services Act*,
- (c) a place where a resource centre program that receives funding under the *Day Nurseries Act* is provided, or
- (d) a place where a recreational program that receives funding under the *Day Nurseries Act* is provided;

“designated facility” means,

- (a) a children’s camp,
- (b) a delivery agent care facility,
- (c) a health care facility,
- (d) a school or private school,
- (e) a social care facility, or
- (f) a university, a college of applied arts and technology, or an institution with authority to grant degrees;

“distribution sample” means, with respect to a drinking-water system, a water sample that is taken, in the drinking-water system’s distribution system or in plumbing that is connected to the drinking-water system, from a point significantly beyond the point at which treated water enters the distribution system or plumbing;

“health care facility” means a facility that provides overnight accommodation and that is,

- (a) a hospital within the meaning of the *Public Hospitals Act* or the *Community Psychiatric Hospitals Act*,
- (b) a private hospital within the meaning of the *Private Hospitals Act*,
- (c) a psychiatric facility within the meaning of the *Mental Health Act*,
- (d) a nursing home within the meaning of the *Nursing Homes Act*,
- (e) a home within the meaning of the *Homes for the Aged and Rest Homes Act*,
- (f) an approved charitable institution within the meaning of the *Charitable Institutions Act* that is approved under section 3 of that Act as,
 - (i) a halfway house where rehabilitative residential group care may be provided for adult persons,
 - (ii) a home for the aged, or
 - (iii) a home where residential group care may be provided for handicapped or convalescent adult persons,
- (g) a cancer centre established by the Ontario Cancer Treatment and Research Foundation under the *Cancer Act*,
- (h) a home for special care within the meaning of the *Homes for Special Care Act*,
- (i) an approved home within the meaning of the *Mental Hospitals Act*,

- (k) a nursing station, health centre, clinic or other facility that receives funding through the Ministry of Health and Long-Term Care's Underserved Area Program, or
- (l) a facility owned or leased by a person who receives funding from the Ministry of Health and Long-Term Care for one or more of the following health care support services that are provided to or are available to residents of the facility:
 - (i) a residential treatment services program,
 - (ii) a withdrawal management services program,
 - (iii) a dedicated supportive housing project;

"infiltration gallery" means a subsurface ground water collection system constructed with open-jointed or perforated pipes that discharge collected water into a watertight chamber;

"interested authority" means,

- (a) with respect to a delivery agent care facility, the delivery agent designated under the *Ontario Works Act, 1997* or the *Day Nurseries Act* for the geographic area in which the facility is located, or any successor of that delivery agent,
- (b) with respect to a health care facility, the Ministry of Health and Long-Term Care, or any successor of that ministry,
- (c) with respect to a school, the Ministry of Education, or any successor of that ministry,
- (d) with respect to a social care facility, the Ministry of Community, Family and Children's Services, or any successor of that ministry, or
- (e) with respect to a university, a college of applied arts and technology, or an institution with authority to grant degrees, the Ministry of Training, Colleges and Universities, or any successor of that ministry;

"large municipal non-residential system" means a municipal drinking-water system that does not serve a major residential development and is capable of supplying drinking water at a rate of more than 2.9 litres per second;

"large municipal residential system" means a municipal drinking-water system that serves a major residential development and serves more than 100 private residences;

"large non-municipal non-residential system" means a non-municipal drinking-water system that is capable of supplying drinking water at a rate of more than 2.9 litres per second and does not serve,

- (a) a major residential development, or
- (b) a trailer park or campground that has more than five service connections;

"non-municipal seasonal residential system" means a non-municipal drinking-water system that is a seasonal system and serves,

- (a) a major residential development, or
- (b) a trailer park or campground that has more than five service connections;

"non-municipal year-round residential system" means a non-municipal drinking-water system that is not a seasonal system and serves,

- (a) a major residential development, or
- (b) a trailer park or campground that has more than five service connections;

"Ontario Drinking-Water Quality Standards" means Ontario Regulation 169/03 (Ontario Drinking-Water Quality Standards);

"OWRA approval" means an approval granted before this Regulation came into force under section 52 of the *Ontario Water Resources Act*;

"OWRA order" means an order, direction or report in respect of a water works that was issued before this Regulation came into force under the *Ontario Water Resources Act*;

"point of entry treatment unit" means equipment for treating water that is installed in plumbing at a location that,

- (a) is at or near where water from a drinking-water system enters a building or other structure, and
- (b) is upstream of all plumbing fixtures,

but does not include equipment for treating water that is installed in plumbing at a location that is in close proximity to a plumbing fixture and that is intended only to treat water provided to that fixture;

“primary disinfection” means a process or series of processes intended to remove or inactivate human pathogens such as viruses, bacteria and protozoa in water;

“private residence” has the meaning prescribed in Ontario Regulation 171/03 (Definitions of Words and Expressions Used in the Act) for the purpose of the definition of “private residence” in subsection 2 (1) of the Act;

“private school” means a private school as defined in the *Education Act*;

“*Procedure for Corrective Action for Systems Not Currently Using Chlorine*” means the document of that name, originally dated April 16, 2003, published by and available from the Ministry, as amended from time to time;

“*Procedure for Disinfection of Drinking Water in Ontario*” means the document of that name, originally dated April 16, 2003, published by and available from the Ministry, as amended from time to time;

“professional engineer” means a professional engineer as defined in the *Professional Engineers Act*;

“professional hydrogeologist” means a hydrogeologist who is a member of the Association of Professional Geoscientists of Ontario;

“public facility” means,

- (a) food premises, as defined in the *Health Protection and Promotion Act*,
 - (b) a place that provides overnight accommodation to the travelling public, including a trailer park or campground,
 - (c) a marina,
 - (d) a church, mosque, synagogue, temple or other place of worship,
 - (e) a recreational camp,
 - (f) a recreational or athletic facility;
 - (g) a place, other than a private residence, where a service club or fraternal organization meets on a regular basis, or
 - (h) any place where the general public has access to a washroom, drinking water fountain or shower,
- but does not include a designated facility;

“resample and test” means,

- (a) with respect to corrective action that arises from the test of a water sample for a microbiological parameter,
 - (i) take a set of water samples, at approximately the same time, with,
 - (A) at least one sample from the same location as the sample that gave rise to the corrective action,
 - (B) at least one sample from a location that is a significant distance upstream from the location described in sub-subclause (A), if that is reasonably possible, and
 - (C) at least one sample from a location that is a significant distance downstream from the location described in sub-subclause (A), if that is reasonably possible, and
 - (ii) conduct, on the samples taken under subclause (i), the same test that gave rise to the corrective action, or
- (b) with respect to corrective action that arises from the test of a water sample for a parameter that is not a microbiological parameter,
 - (i) take a water sample from the same location as the sample that gave rise to the corrective action, and
 - (ii) conduct, on the sample taken under subclause (i), the same test that gave rise to the corrective action;

“school” means a school as defined in the *Education Act*;

“seasonal system” means a drinking-water system that,

- (a) does not operate for at least 60 consecutive days in every calendar year, or
- (b) does not operate for at least 60 consecutive days in every period that begins on April 1 in one year and ends on March 31 in the following year;

“secondary disinfection” means a process or series of processes intended to provide and maintain a disinfectant residual in a drinking-water system’s distribution system, and in plumbing connected to the distribution system, for the purposes of,

- (a) protecting water from microbiological re-contamination,
- (b) reducing bacterial regrowth,
- (c) controlling biofilm formation, and
- (d) serving as an indicator of distribution system integrity,

drinking-water system's distribution system for the purposes described in clauses (d) to (u),

"service connection" means,

- (a) a point where a drinking-water system connects to plumbing, or
- (b) in a trailer park or campground, a fixture that allows a trailer or other vehicle to connect to the trailer park's or campground's drinking-water system;

"service pipe" means the pipe portion of a drinking-water system that extends from a watermain to the property line of a property serviced by the watermain;

"small municipal non-residential system" means a municipal drinking-water system that does not serve a major residential development, is not capable of supplying drinking water at a rate of more than 2.9 litres per second and serves a designated facility or public facility;

"small municipal residential system" means a municipal drinking-water system that serves a major residential development but serves fewer than 101 private residences;

"small non-municipal non-residential system" means a non-municipal drinking-water system that is not capable of supplying drinking water at a rate of more than 2.9 litres per second, serves a designated facility or public facility and does not serve,

- (a) a major residential development, or
- (b) a trailer park or campground that has more than five service connections;

"social care facility" means,

- (a) a facility designated by the regulations under the *Developmental Services Act* as a facility to which that Act applies,
- (b) a residence licensed as a children's residence under the *Child and Family Services Act*,
- (c) a facility where child development services, child treatment services, child welfare services, community support services or young offenders services, within the meaning of the *Child and Family Services Act*, are provided, unless the facility is located in a private residence,
- (d) a facility where child and family intervention services, within the meaning of Regulation 70 of the Revised Regulations of Ontario, 1990 (General) under the *Child and Family Services Act*, are provided, unless the facility is located in a private residence,
- (e) a place where an emergency shelter service that receives funding under the *Ministry of Community and Social Services Act* is provided, unless the place is located in a private residence,
- (f) a day nursery,
- (g) an Ontario Early Years Centre or a satellite program of the Ontario Early Years Centre that receives funding under the *Ministry of Community and Social Services Act*,
- (h) a sheltered workshop that receives funding under the *Developmental Services Act* or the *Ministry of Community and Social Services Act*,
- (i) a place where a supported employment program that receives funding under the *Developmental Services Act* or the *Ministry of Community and Social Services Act* is provided,
- (j) a place where an adults' community support service that receives funding under the *Developmental Services Act* is provided, unless the place is located in a private residence,
- (k) a place where an employment preparation, training and job placement program that receives funding under the *Developmental Services Act* or the *Ontario Disability Support Program Act, 1997* is provided,
- (l) a place where a violence against women program that receives funding under the *Ministry of Community and Social Services Act* is provided, unless the place is located in a private residence,
- (m) a place where an aboriginal healing and wellness program funded under the Aboriginal Healing and Wellness Strategy is provided;

"trained person" means,

- (a) a certified operator, or
- (b) a person who, in the preceding 36 months, successfully completed a course approved by the Director relating to the functions that trained persons are required or authorized by this Regulation to perform;

"watermain" means any system of pipes and appurtenances used for the distribution of drinking water, but does not include plumbing or a pumping facility.

(2) Despite the definition of “large municipal non-residential system” in subsection (1), a drinking-water system described in that definition that has one or more distribution lines that supply water exclusively for operations described in subsection (3), shall be deemed to be a small municipal non-residential system for the purposes of this Regulation if the result of the following calculation is 2.9 litres per second or less:

$$A - B$$

where,

A = the maximum rate, expressed in litres per second, at which the drinking-water system can supply drinking water;

B = the sum of the average rates, expressed in litres per second, at which the drinking-water system supplied drinking water in the preceding calendar year to the distribution lines that supply water exclusively for operations described in subsection (3).

(3) The operations referred to in subsections (2) and (6) are the following:

1. Agricultural operations.
2. Landscaping operations.
3. Industrial or manufacturing operations, including food manufacturing or processing operations.
4. Swimming pool or skating rink maintenance operations.

(4) Despite subsection (2) and the definition of “large municipal non-residential system” in subsection (1), a drinking-water system described in subsection (2) shall be deemed, during the calendar year in which the system begins operation, to be a small municipal non-residential system for the purposes of this Regulation if the owner of the system, on reasonable grounds, estimates that the result of the calculation referred to in subsection (2) would be 2.9 litres per second or less if the system had operated during all of the preceding calendar year.

(5) If a drinking-water system is deemed to be a small municipal non-residential system under subsection (2) or (4), the system does not serve any designated facilities and the system does not serve any public facilities, this Regulation does not apply to the system.

(6) Despite the definition of “large non-municipal non-residential system” in subsection (1), a drinking-water system described in that definition that has one or more distribution lines that supply water exclusively for operations described in subsection (3) shall be deemed to be a small non-municipal non-residential system for the purposes of this Regulation if the result of the following calculation is 2.9 litres per second or less:

$$A - B$$

where,

A = the maximum rate, expressed in litres per second, at which the drinking-water system can supply drinking water;

B = the sum of the average rates, expressed in litres per second, at which the drinking-water system supplied drinking water in the preceding calendar year to the distribution lines that supply water exclusively for operations described in subsection (3).

(7) Despite subsection (6) and the definition of “large non-municipal non-residential system” in subsection (1), a drinking-water system described in subsection (6) shall be deemed, during the calendar year in which the system begins operation, to be a small non-municipal non-residential system for the purposes of this Regulation if the owner of the system, on reasonable grounds, estimates that the result of the calculation referred to in subsection (6) would be 2.9 litres per second or less if the system had operated during all of the preceding calendar year.

(8) If a drinking-water system is deemed to be a small non-municipal non-residential system under subsection (6) or (7), the system does not serve any designated facilities and the system does not serve any public facilities, this Regulation does not apply to the system.

(9) For the purposes of this Regulation, a drinking-water system shall be deemed to be a seasonal system during the 365-day period that begins on the day the system begins operation if, during that period, it will not be operated for at least 60 consecutive days.

Interpretation: ground water under direct influence of surface water

2. (1) A drinking-water system that obtains water from a raw water supply that is ground water under the direct influence of surface water is deemed, for the purposes of this Regulation, to be a drinking-water system that obtains water from a raw water supply that is surface water.

(2) The following drinking-water systems are deemed, for the purposes of this Regulation, to be drinking-water systems that obtain water from a raw water supply that is ground water under the direct influence of surface water:

1. A drinking-water system that obtains water from a well that is not a drilled well or from a well that does not have a watertight casing that extends to a depth of six metres below ground level.

3. A drinking-water system that is not capable of supplying water at a rate greater than 0.58 litres per second and that obtains water from a well, any part of which is within 15 metres of surface water.
4. A drinking-water system that is capable of supplying water at a rate greater than 0.58 litres per second and that obtains water from an overburden well, any part of which is within 100 metres of surface water.
5. A drinking-water system that is capable of supplying water at a rate greater than 0.58 litres per second and that obtains water from a bedrock well, any part of which is within 500 metres of surface water.
6. A drinking-water system that exhibits evidence of contamination by surface water.
7. A drinking-water system in respect of which a written report has been prepared by a professional engineer or professional hydrogeologist that concludes that the system's raw water supply is ground water under the direct influence of surface water and that includes a statement of his or her reasons for reaching that conclusion.

(3) Subsection (2) does not apply to a drinking-water system if,

- (a) a written report prepared after August 1, 2000 by a professional engineer or professional hydrogeologist concludes that the raw water supply is not ground water under the direct influence of surface water and the report includes a statement of his or her reasons for reaching that conclusion; and
- (b) in the case of a drinking-water system that requires an approval, the Director agrees that the raw water supply is not ground water under the direct influence of surface water.

(4) A drinking-water system that obtains water from a raw water supply that is surface water is deemed, for the purposes of this Regulation, not to be a drinking-water system that obtains water from a raw water supply that is ground water.

Interpretation: open designated facilities and public facilities

3. (1) For the purposes of this Regulation, a school or private school is open on a day if, at any time during that day, programs for children under 18 years of age are held at the school or private school.

(2) For the purposes of this Regulation, a designated facility other than a school or private school is open on a day if, at any time during that day, any of the persons that the facility serves, cares for or provides programming for are present at the facility.

(3) For the purposes of this Regulation, a public facility is open on a day unless persons served by the facility are denied access to the facility during the entire day.

Application

4. Unless otherwise provided, this Regulation applies to the drinking-water systems referred to in the following Table, with each row of the Table setting out the Schedules to this Regulation that apply to the drinking-water systems referred to in that row:

TABLE

Item	Drinking-Water Systems	Applicable Schedules				
		Treatment	Operational Checks, Sampling and Testing	Adverse Test Results and Other Problems	Reports	Chemical Testing Parameters
1.	Large municipal residential systems	1, 4	6, 7, 10, 13	16, 17	20, 22	23, 24
2.	Small municipal residential systems	1, 4	6, 7, 11, 13	16, 18, 19	20, 22	23, 24
3.	Large municipal non-residential systems	2, 3, 5	6, 8, 11, 13	16, 18, 19	21	23, 24
4.	Small municipal non-residential systems	2, 3, 5	6, 9, 12, 14	16, 18, 19	21	23, 24
5.	Non-municipal year-round residential systems	2, 5	6, 8, 11, 13	16, 18, 19	21	23, 24
6.	Non-municipal seasonal residential systems	2, 5	6, 9, 12, 14	16, 18, 19	21	23, 24
7.	Large non-municipal non-residential systems	2, 3, 5	6, 8, 11, 13	16, 18, 19	21	23, 24
8.	Small non-municipal non-residential systems	2, 3, 5	6, 9, 12, 15	16, 18, 19	21	23, 24

Exemptions: residential systems

5. (1) If a large municipal residential system or a small municipal residential system obtains all of its water from a large municipal residential system or a small municipal residential system, Schedules 1, 7, 10, 11 and 13 do not apply to the system that obtains the water, except for the following provisions:

1. Section 7-1, subsection 7-2 (3) and section 7-5 of Schedule 7.
2. Sections 10-1, 10-2 and 10-5 of Schedule 10.
3. Sections 11-1, 11-2, 11-4 and 11-5 of Schedule 11.
4. Sections 13-1, 13-3, 13-5, 13-6, 13-10, 13-11 and 13-12 of Schedule 13.

(2) If a non-municipal year-round residential system obtains all of its water from a drinking-water system to which this Regulation applies that provides secondary disinfection in accordance with section 1-5 of Schedule 1 or section 2-5 of Schedule 2, Schedules 2, 8, 11 and 13 do not apply to the system that obtains the water, except for the following provisions:

1. Sections 8-1 and 8-2, subsection 8-3 (3) and sections 8-5 and 8-7 of Schedule 8.
2. Sections 11-1, 11-2, 11-4 and 11-5 of Schedule 11.
3. Sections 13-1, 13-3, 13-5, 13-10, 13-11 and 13-12 of Schedule 13.
4. If the system that obtains the water rechlorinates the water, section 13-6 of Schedule 13.

(3) If a non-municipal seasonal residential system obtains all of its water from a drinking-water system to which this Regulation applies that provides secondary disinfection in accordance with section 1-5 of Schedule 1 or section 2-5 of Schedule 2, Schedules 2, 9, 12 and 14 do not apply to the system that obtains the water, except for the following provisions:

1. Sections 9-1 and 9-2, subsection 9-3 (3) and sections 9-5, 9-6 and 9-8 of Schedule 9.
2. Sections 12-1, 12-2, 12-4 and 12-5 of Schedule 12.
3. Sections 14-1, 14-3, 14-8, 14-9 and 14-10 of Schedule 14.
4. If the system that obtains the water rechlorinates the water, section 14-4 of Schedule 14.

Exemptions: non-residential systems connected to other systems

6. (1) This Regulation, except subsection 9 (1), does not apply to a drinking-water system listed in subsection (2) if,
 - (a) the drinking-water system is connected to and receives all of its drinking water from another drinking-water system to which this Regulation does apply;
 - (b) the drinking-water system from which the drinking water is obtained provides secondary disinfection in accordance with section 1-5 of Schedule 1 or section 2-5 of Schedule 2; and
 - (c) the owner of the drinking-water system from which the drinking water is obtained has agreed in writing to ensure that the treatment equipment that provides the secondary disinfection referred to in clause (b) is operated so that, at all times and at all locations within the distribution system of the system that obtains the water,
 - (i) the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system from which the water is obtained provides chlorination and does not provide chloramination, or
 - (ii) the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system from which the water is obtained provides chloramination.
- (2) The exemption provided by subsection (1) applies to the following drinking-water systems:
 1. A large municipal non-residential system.
 2. A small municipal non-residential system.
 3. A large non-municipal non-residential system.
 4. A small non-municipal non-residential system.

Exemptions: non-residential systems that receive transported water

7. (1) If drinking water is transported to one of the following drinking-water systems from a drinking-water system that provides secondary disinfection in accordance with section 1-5 of Schedule 1 or section 2-5 of Schedule 2, Schedules 2, 3, 8, 9 and 11 to 15 do not apply to the drinking-water system that receives the water:

1. A large municipal non-residential system.
2. A small municipal non-residential system.
3. A large non-municipal non-residential system.

(2) The owner of the drinking-water system referred to in subsection (1) that receives the drinking water and the operating authority for the system shall ensure that a distribution sample is taken at least once a day and is tested for,

- (a) free chlorine residual, if the system from which the drinking water is obtained provides chlorination and does not provide chloramination; or
- (b) combined chlorine residual, if the system from which the drinking water is obtained provides chloramination.

Exemptions: warning notices for systems and users without electricity, etc.

8. (1) Subject to subsections (2) to (5), this Regulation does not apply to a drinking-water system if,

- (a) the owner of the system posts warning notices in accordance with subsections (6) and (7);
- (b) the owner of the system complies with subsections (8) and (9);
- (c) all water fountains that are connected to the drinking-water system have been rendered inoperative; and
- (d) the owner of the system has notified the Director in writing that the steps described in clauses (a), (b) and (c) have been taken.

(2) Subject to subsection (3), subsection (1) applies to a drinking-water system only if the system does not use electricity and does not serve any building or other structure that uses electricity.

(3) Subsection (1) applies to small non-municipal non-residential system only if,

- (a) the system does not use electricity and does not serve any building or other structure that uses electricity;
- (b) the system does not serve any designated facilities and only supplies water to a washroom or shower;
- (c) the system does not serve any designated facilities and the only user served by the system is a user described in clause 2 (1) (c) of Regulation 562 of the Revised Regulations of Ontario, 1990 (Food Premises) under the *Health Protection and Promotion Act*; or
- (d) the system,
 - (i) does not serve any designated facilities, and
 - (ii) does not serve any food premises that rely on the system for the supply of potable water that is required by clause 20 (1) (a) of Regulation 562 of the Revised Regulations of Ontario, 1990 (Food Premises) under the *Health Protection and Promotion Act*.

(4) Clause (3) (d) does not apply to a small non-municipal non-residential system after,

- (a) July 1, 2008, if the system obtains water from a raw water supply that is surface water; or
- (b) December 31, 2009, if the system obtains water from a raw water supply that is ground water.

(5) The exemption provided by subsection (1) does not apply to the following provisions:

- 1. Section 10.
- 2. Schedules 4 and 5.

(6) A warning notice must be posted at every tap that supplies water from the drinking-water system in a location where it is likely to come to the attention of all users and potential users of the tap.

(7) A warning notice larger than the notices referred to in subsection (6) must be posted,

- (a) at every entrance to every building and every structure that is served by the drinking-water system; or
- (b) if the drinking-water system does not serve any building or structure, in a location where it is likely to come to the attention of all users and potential users of water from the system.

(8) The owner of the drinking-water system shall ensure that the warning notices are checked at least once a week to ensure that they are legible and comply with this section.

(9) The owner of the drinking-water system shall ensure that,

- (a) every time the warning notices are checked under subsection (8), a record is made of the date and time and of the name of the person who performed the check; and
- (b) the records referred to in clause (a) are kept for at least five years at a location where they can conveniently be viewed by a provincial officer who is inspecting the warning notices.

(10) Nothing in this section relieves any person of any obligation to provide potable water or water that meets the standards prescribed by the Ontario Drinking-Water Quality Standards.

Exemptions from approval requirements of Act

9. (1) Subsection 31 (1) of the Act does not apply to large municipal non-residential systems or small municipal non-residential systems.

(2) Subsection 31 (1) of the Act does not apply to a large municipal residential system or a small municipal residential system in respect of,

- (a) the establishment or alteration of or a change to a service pipe;
- (b) the establishment or alteration of or a change in an appurtenance of a watermain, if the appurtenance does not disrupt the operation of the drinking-water system that the watermain is part of;
- (c) the relining of a watermain, if the new lining does not disrupt the operation of the drinking-water system that the watermain is part of;
- (d) the replacement of an existing watermain with a new watermain that has similar dimensions and performance criteria and that is in the same or approximately the same location, if the existing watermain was established or altered in accordance with an approval granted by a Director.

Revocation of OWRA approvals for non-municipal systems

10. For the purpose of subsection 52 (7) of the Act, the earliest of the following dates is prescribed as the date that the approval under the *Ontario Water Resources Act* is deemed to be revoked:

1. The date this Regulation comes into force, if, before that date, a report was submitted to the Director in respect of the drinking-water system in accordance with section 5 of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities).
2. The date the owner of the drinking-water system gives the Director a notice that complies with section 21-7 of Schedule 21.
3. The date the owner of the drinking-water system gives the Director a statement under subsection 21-2 (3) of Schedule 21.
4. The date the Director is notified in accordance with clause 8 (1) (d) that the steps described in clauses 8 (1) (a), (b) and (c) have been taken.
5. The date the Director imposes a condition under subsection 60 (2) of the Act in an approval under Part VI of the Act.

Annual reports

11. (1) The owner of a drinking-water system shall ensure that an annual report is prepared and given to the Director in accordance with this section.

(2) The owner of a drinking-water system, other than a large municipal residential system or a small municipal residential system, shall ensure that, at the same time that the annual report is given to the Director, a copy of the report is given to,

- (a) each designated facility served by the system; and
- (b) the interested authority for each designated facility served by the system.

(3) In the case of the following drinking-water systems, the annual report must cover the period from January 1 to December 31 in a year and must be given to the Director not later than February 28 of the following year:

1. Large municipal residential systems.
2. Small municipal residential systems.
3. Large municipal non-residential systems.
4. Small municipal non-residential systems.
5. Non-municipal year-round residential systems.

(4) In the case of non-municipal seasonal residential systems and large non-municipal non-residential systems, the annual report must cover the period from November 1 in a year to October 31 of the following year and must be given to the Director not later than December 31 of the latter year.

(5) In the case of small non-municipal non-residential systems, the annual report must cover the period from April 1 in a year to March 31 of the following year and must be given to the Director not later than May 31 of the latter year.

(6) The annual report must,

- (a) contain a brief description of the drinking-water system, including a list of water treatment chemicals used by the system during the period covered by the report;

the period covered by the report;

- (c) summarize the results of tests required under this Regulation, or an approval or order, including an OWRA order, during the period covered by the report and, if tests required under this Regulation in respect of a parameter were not required during that period, summarize the most recent results of tests of that parameter;
- (d) describe any corrective actions taken under Schedule 17 or 18 during the period covered by the report;
- (e) describe any major expenses incurred during the period covered by the report to install, repair or replace required equipment; and
- (f) in the case of a large municipal residential system or a small municipal residential system, include a statement of where a report prepared under Schedule 22 will be available for inspection under subsection 12 (4).

(7) The owner of the drinking-water system shall ensure that a copy of an annual report is given, without charge, to every person who requests a copy.

(8) Subsection (7) does not apply to an annual report that is more than two years old.

(9) The owner of the drinking-water system shall ensure that, every time an annual report is prepared, effective steps are taken to advise users of water from the system that copies of the report are available, without charge, and of how a copy may be obtained.

(10) If a large municipal residential system serves more than 10,000 people, the owner of the system shall ensure that a copy of every report prepared under this section is available to the public at no charge on a web site on the Internet.

(11) The obligation to ensure that a report be given to the interested authority for a designated facility under subsection (2) does not apply to the following designated facilities:

- 1. A private school.
- 2. A children's camp.
- 3. A residence for seniors or retired persons, or any other similar residence, where attainment of a mature age is a factor in being accepted for occupancy.

(12) If section 12 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) applied to the owner of a system to which subsection (3) applies, the report required to be given to the Director not later than February 28, 2004 under subsection (3) shall, despite that subsection, cover the period from April 1, 2003 to December 31, 2003.

(13) If section 15 of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities) applied to the owner of a system to which subsection (3) applies, the report required to be given to the Director not later than February 28, 2004 under subsection (3) shall, despite that subsection, cover the period from August 1, 2002 to December 31, 2003.

(14) If section 12 of Ontario Regulation 459/00 and section 15 of Ontario Regulation 505/01 did not apply to the owner of a system to which subsection (3) applies, the report required to be given to the Director not later than February 28, 2004 under subsection (3) shall, despite that subsection, cover the period from the day this section comes into force to December 31, 2003.

(15) If section 12 of Ontario Regulation 459/00 applied to the owner of a system to which subsection (4) applies, the report required to be given to the Director not later than December 31, 2003 under subsection (4) shall, despite that subsection, cover the period from April 1, 2003 to October 31, 2003.

(16) If section 12 of Ontario Regulation 459/00 and section 15 of Ontario Regulation 505/01 did not apply to the owner of a system to which subsection (4) applies, the report required to be given to the Director not later than December 31, 2003 under subsection (4) shall, despite that subsection, cover the period from the day this section comes into force to October 31, 2003.

(17) If section 15 of Ontario Regulation 505/01 applied to the owner of a system to which subsection (5) applies, the report required to be given to the Director not later than May 31, 2004 under subsection (5) shall, despite that subsection, cover the period from August 1, 2002 to March 31, 2004.

(18) If section 12 of Ontario Regulation 459/00 and section 15 of Ontario Regulation 505/01 did not apply to the owner of a system to which subsection (5) applies, no report is required to be given to the Director under subsection (5) until May 31, 2006 and, despite that subsection, the report required to be given to the Director not later than May 31, 2006 shall cover the period from June 1, 2005 to March 31, 2006.

(19) With respect to any period before this section comes into force,

- (a) a reference in subsection (6) to reports made to the Ministry under subsection 18 (1) of the Act or section 16-4 of Schedule 16,

- (i) shall be deemed to be a reference to,

- (A) notices given under section 8 of Ontario Regulation 459/00, if that regulation applied to the drinking-water system, or
- (B) notices given under section 11 of Ontario Regulation 505/01, if that regulation applied to the drinking-water system, and
- (ii) does not apply, in any other case;
- (b) a reference in subsection (6) to results of tests required under this Regulation,
 - (i) shall be deemed to be a reference to results of tests required under,
 - (A) Ontario Regulation 459/00, if that regulation applied to the drinking-water system, or
 - (B) Ontario Regulation 505/01, if that regulation applied to the drinking-water system, and
 - (ii) does not apply, in any other case;
- (c) a reference in subsection (6) to corrective actions taken under Schedule 17 or 18,
 - (i) shall be deemed to be a reference to,
 - (A) action taken under section 9 of Ontario Regulation 459/00, if that regulation applied to the drinking-water system, or
 - (B) action taken under section 12 of Ontario Regulation 505/01, if that regulation applied to the drinking-water system, and
 - (ii) does not apply, in any other case; and
- (d) clause (6) (f) does not apply.

Information to be available

12. (1) The owner of a drinking-water system shall ensure that the following information is available for inspection in accordance with subsection (4):

1. A copy of every test result obtained in respect of a test required under this Regulation, or under an approval or order, including an OWRA order.
2. A copy of every approval and every order, including OWRA orders, that applies to the system and is still in effect, if the approval or order was issued after January 1, 2001.
3. A copy of every annual report prepared under section 11.
4. A copy of every report prepared under Schedule 20, 21 or 22.
5. A copy of this Regulation.

(2) Paragraphs 1 and 2 of subsection (1) do not apply to a record, report or test result until the day after it comes into the owner's possession.

(3) Paragraphs 1, 2, 4 and 5 of subsection (1) do not apply to a record, report or test result that is more than two years old.

(4) The information must be available for inspection by any member of the public during normal business hours without charge,

(a) at the office of the owner or, if the office of the owner is not reasonably convenient to users of water from the system, at a location that is reasonably convenient to those users; and

(b) if the owner is not a municipality but the system serves a municipality, at the office of the municipality.

(5) If the owner of a drinking-water system provides the operator of a designated facility with a copy of the information referred to in subsection (1), the operator of the facility shall ensure that the information is available at the facility, between 9 a.m. and 5 p.m. or during normal business hours, for inspection without charge by any person allowed to enter the facility.

(6) For the purpose of this section,

(a) a reference in paragraph 1 of subsection (1) to tests required under this Regulation shall be deemed to include a reference to,

(i) tests required under Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works), if that regulation applied to the drinking-water system, or

(ii) tests required under Ontario Regulation 505/01 (Drinking Water Protection — Small Water Works Serving Designated Facilities), if that regulation applied to the drinking-water system;

(b) a reference in paragraph 3 of subsection (1) to annual reports prepared under section 11 shall be deemed to include a reference to,

- (ii) reports prepared under section 15 of Ontario Regulation 505/01, if that regulation applied to the drinking-water system;
- (c) a reference in paragraph 4 of subsection (1) to reports prepared under Schedule 20 shall be deemed to include a reference to reports prepared under section 13 of Ontario Regulation 459/00, if that regulation applied to the drinking-water system; and
- (d) a reference in paragraph 4 of subsection (1) to reports prepared under Schedule 21 shall be deemed to include a reference to reports prepared under section 5 of Ontario Regulation 505/01, if that regulation applied to the drinking-water system.

Retention of records

13. (1) The owner of a drinking-water system shall ensure that the following documents and other records are kept for at least five years:

1. Every record or report related to a test required under section 7, Schedules 6 to 12, sections 17-5 to 17-9 of Schedule 17 or sections 18-5 to 18-9 of Schedule 18.
2. Every record or report related to a test required under an approval or order, including an OWRA order, unless the record or report relates to a parameter listed in Schedule 23 or 24 of this Regulation or Schedule 3 of Ontario Regulation 169/03 (Ontario Drinking-Water Quality Standards).
3. Every annual report prepared under section 11.
4. Every report prepared under Schedule 22.

(2) The owner of a drinking-water system shall ensure that the following documents and other records are kept for at least 15 years:

1. Every record or report related to a test required under Schedules 13 to 15, sections 17-10 to 17-13 of Schedule 17 or sections 18-10 to 18-13 of Schedule 18.
2. Every record or report related to a test required under an approval or order, including an OWRA order, if the record or report relates to a parameter listed in Schedule 23 or 24 of this Regulation or Schedule 3 of Ontario Regulation 169/03 (Ontario Drinking-Water Quality Standards).
3. Every report prepared under Schedule 21.
4. Every report referred to in paragraph 7 of subsection 2 (2) or clause 2 (3) (a) that is related to the system's raw water supply.

(3) The owner of a drinking-water system shall ensure that reports prepared under Schedule 21 are kept at a location where they can conveniently be viewed by a provincial officer who is inspecting the system's water treatment equipment.

(4) If the Director or a provincial officer makes a request for a document or other record referred to in subsection (1) or (2), the owner of a drinking-water system shall ensure that the document or other record is given to the Director or a provincial officer within such period as the Director or provincial officer may specify.

(5) For the purpose of this section,

- (a) a reference in paragraph 1 of subsection (1) to tests required under Schedules 6 to 12 shall be deemed to include a reference to,
 - (i) tests required under section 7 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works), other than tests referred in subclause (6) (a) (i), if that regulation applied to the drinking-water system, or
 - (ii) tests required under sections 7 and 8 of Ontario Regulation 505/01 (Drinking Water Protection — Small Water Works Serving Designated Facilities), if that regulation applied to the drinking-water system;
- (b) a reference in paragraph 1 of subsection (1) to tests required under sections 17-5 to 17-9 of Schedule 17 or sections 18-5 to 18-9 of Schedule 18 shall be deemed to include a reference to,
 - (i) tests required under clause 9 (b) of Ontario Regulation 459/00, if that regulation applied to the drinking-water system, or
 - (ii) tests required under section 12 of Ontario Regulation 505/01, if that regulation applied to the drinking-water system; and
- (c) a reference in paragraph 2 of subsection (1) to annual reports prepared under section 11 shall be deemed to include a reference to,

- (i) reports prepared under section 12 of Ontario Regulation 459/00, if that regulation applied to the drinking-water system, or
 - (ii) reports prepared under section 15 of Ontario Regulation 505/01, if that regulation applied to the drinking-water system.
- (6) For the purpose of this section,
- (a) a reference in paragraph 1 of subsection (2) to tests required under Schedules 13 to 15 shall be deemed to include a reference to,
 - (i) tests required under section 7 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) with respect to Tables B, C and D of Schedule 2 to that regulation, if that regulation applied to the drinking-water system, or
 - (ii) tests required under section 9 of Ontario Regulation 505/01 (Drinking Water Protection — Small Water Works Serving Designated Facilities), if that regulation applied to the drinking-water system;
 - (b) a reference in paragraph 1 of subsection (2) to tests required under sections 17-10 to 17-13 of Schedule 17 or sections 18-10 to 18-13 of Schedule 18 shall be deemed to include a reference to tests required under clause 9 (a) of Ontario Regulation 459/00, if that regulation applied to the drinking-water system; and
 - (c) a reference in paragraph 2 of subsection (2) to reports prepared under section 21 shall be deemed to include a reference to reports prepared under section 5 of Ontario Regulation 505/01, if that regulation applied to the drinking-water system.

Forms

14. (1) Where this Regulation requires or permits the submission of a written notice or report or the posting of a warning notice, the notice or report must be in a form provided by or approved by the Director.

(2) The Director may require that a document or other record that is given to the Director under this Regulation be given in an electronic format specified by the Director.

Purpose of notice to interested authorities

15. The sole purpose of the provisions of this Regulation that require notice to be given to interested authorities is to provide interested authorities with information relating to compliance with this Regulation.

Commencement

16. This Regulation comes into force on the day subsection 11 (1) of the *Safe Drinking Water Act, 2002* comes into force.

SCHEDULE 1

TREATMENT EQUIPMENT

Municipal: Large Residential
Small Residential

Application

1-1. This Schedule applies to the following drinking-water systems:

- 1. Large municipal residential systems.
- 2. Small municipal residential systems.

General obligations

1-2. (1) The owner of a drinking-water system shall ensure the following:

- 1. Any well used as a raw water supply is constructed and maintained to prevent surface water and other foreign materials from entering the well.
 - 2. Water treatment equipment is provided in accordance with sections 1-3 to 1-5.
- (2) The owner of a drinking-water system and the operating authority for the system shall ensure the following:
- 1. The water treatment equipment is in operation whenever water is being obtained or supplied.
 - 2. The water treatment equipment is operated in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*.
 - 3. The water treatment equipment required by section 1-3 or 1-4 is operated in a manner that achieves the design capabilities it is required to have under that section.

distribution system,

- i. the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system provides chlorination and does not provide chloramination, or
- ii. the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system provides chloramination.

5. Adjustments to the water treatment equipment are carried out only by certified operators.

Primary disinfection for ground water raw water supply

1-3. The owner of a drinking-water system that obtains water from a raw water supply that is ground water shall ensure provision of water treatment equipment that is designed to be capable of primary disinfection in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario* and that is designed to be capable of achieving, at all times, at least 99 per cent removal or inactivation of viruses before water enters the distribution system.

Filtration and primary disinfection for surface water raw water supply

1-4. The owner of a drinking-water system that obtains water from a raw water supply that is surface water shall ensure provision of,

- (a) water treatment equipment that is designed to be capable of chemically assisted filtration and primary disinfection in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario* and that is designed to be capable of achieving, at all times, at least 99 per cent removal or inactivation of cryptosporidium (*Cryptosporidium parvum*) cysts, at least 99.9 per cent removal or inactivation of giardia (*Giardia lamblia*) cysts and at least 99.99 per cent removal or inactivation of viruses, before water enters the distribution system; or
- (b) other water treatment equipment that, in the Director's opinion, is designed to be capable of producing water of equal or better quality than the equipment described in clause (a).

Secondary disinfection

1-5. The owner of a drinking-water system shall ensure provision of,

- (a) water treatment equipment that is designed to be capable of secondary disinfection using chlorination or chloramination in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario* and that is designed to be capable of achieving, at all locations within the distribution system,
 - (i) a free chlorine residual of 0.2 milligrams per litre, if the drinking-water system provides chlorination and does not provide chloramination, or
 - (ii) a combined chlorine residual of 1.0 milligrams per litre, if the drinking-water system provides chloramination; or
- (b) other water treatment equipment that, in the Director's opinion, is designed to be capable of providing secondary disinfection that is equivalent to or better than the secondary disinfection provided by the equipment described in clause (a).

Ultraviolet light disinfection equipment

1-6. If ultraviolet light disinfection equipment is provided by a drinking-water system, the owner of the system and the operating authority for the system shall ensure that the following standards are met:

1. The disinfection equipment must have a feature that causes an alarm to sound in the following locations if the disinfection equipment malfunctions, loses power or ceases to provide the appropriate level of disinfection:
 - i. The building or structure where the disinfection equipment is installed.
 - ii. A location where a person is present, if a person is not always present at the building or structure where the disinfection equipment is installed.
2. If an alarm sounds under paragraph 1, a certified operator who is at the building or structure where the disinfection equipment is installed must take appropriate action or, if no certified operator is at that location, a certified operator must promptly be dispatched to that location to take appropriate action.
3. A certified operator who is dispatched under paragraph 2 must arrive at the building or structure where the disinfection equipment is installed as soon as possible.

OWRA approvals and OWRA orders with less stringent requirements

1-7. This Schedule prevails over an OWRA approval or OWRA order granted or issued before August 1, 2000 that provides for less stringent requirements.

OWRA approvals that give additional time for compliance

1-8. If an OWRA approval granted on or after August 1, 2000 provides that a drinking-water system is required, by a date specified in the approval that is later than the date this Regulation comes into force,

- (a) to comply with section 5 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works); or
 - (b) to ensure that water treatment equipment is provided for primary disinfection, secondary disinfection or filtration,
- sections 1-2 to 1-6 do not apply until the date specified in the approval.

Delayed compliance

1-9. (1) Subject to section 1-8, if a drinking-water system commenced operation before August 1, 2000 and, immediately before that day, was not in compliance with sections 1-2 to 1-6, those sections do not apply until July 1, 2003.

(2) Subsection (1) does not apply if an OWRA approval granted on or after August 1, 2000 provided that the drinking-water system was required, by a date specified in the approval that is on or before the date this Regulation comes into force,

- (a) to comply with section 5 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works); or
- (b) to ensure that water treatment equipment is provided for primary disinfection, secondary disinfection or filtration.

SCHEDULE 2**TREATMENT EQUIPMENT**

Municipal: Large Non-Residential
Small Non-Residential

Non-Municipal: Year-Round Residential
Seasonal Residential
Large Non-Residential
Small Non-Residential

Application

2-1. This Schedule applies to the following drinking-water systems:

- 1. Large municipal non-residential systems.
- 2. Small municipal non-residential systems.
- 3. Non-municipal year-round residential systems.
- 4. Non-municipal seasonal residential systems.
- 5. Large non-municipal non-residential systems.
- 6. Small non-municipal non-residential systems.

General obligations

2-2. (1) The owner of a drinking-water system shall ensure the following:

- 1. Any well used as a raw water supply is constructed and maintained to prevent surface water and other foreign materials from entering the well.
- 2. Water treatment equipment is provided in accordance with sections 2-3 to 2-5.

(2) The owner of a drinking-water system and the operating authority for the system shall ensure the following:

- 1. The water treatment equipment is in operation whenever water is being obtained or supplied.
- 2. The water treatment equipment is operated in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*.
- 3. The water treatment equipment required by section 2-3 or 2-4 is operated in a manner that achieves the design capabilities it is required to have under that section.
- 4. The water treatment equipment required by section 2-5 is operated so that, at all times and at all locations within the distribution system,
 - i. the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system provides chlorination and does not provide chloramination, or
 - ii. the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system provides chloramination.
- 5. The water treatment equipment is properly maintained.

7. Clearly marked adequate supplies of chemicals or other materials necessary for the operation of the water treatment equipment are kept nearby, separate from other chemicals and materials that are not used for the drinking-water system.
8. Replacement parts are kept nearby for those parts of the water treatment equipment that may be expected to require periodic replacement.
9. Adjustments to the water treatment equipment are carried out only by,
 - i. certified operators, in the case of,
 - A. a large municipal non-residential system,
 - B. a non-municipal year-round residential system, or
 - C. a large non-municipal non-residential system, or
 - ii. trained persons, in the case of,
 - A. a small municipal non-residential system,
 - B. a non-municipal seasonal residential system, or
 - C. a small non-municipal non-residential system.

Primary disinfection for ground water raw water supply

2-3. The owner of a drinking-water system that obtains water from a raw water supply that is ground water shall ensure provision of water treatment equipment that is designed to be capable of primary disinfection in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario* and that is designed to be capable of achieving, at all times, at least 99 per cent removal or inactivation of viruses before water enters the distribution system.

Filtration and primary disinfection for surface water raw water supply

2-4. The owner of a drinking-water system that obtains water from a raw water supply that is surface water shall ensure provision of,

- (a) water treatment equipment that is designed to be capable of chemically assisted filtration and primary disinfection in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario* and that is designed to be capable of achieving, at all times, at least 99 per cent removal or inactivation of cryptosporidium (*Cryptosporidium parvum*) cysts, at least 99.9 per cent removal or inactivation of giardia (*Giardia lamblia*) cysts and at least 99.99 per cent removal or inactivation of viruses, before water enters the distribution system or plumbing; or
- (b) other water treatment equipment that, in the opinion of a professional engineer, is designed to be capable of producing water of equal or better quality than the equipment described in clause (a).

Secondary disinfection

2-5. (1) The owner of a drinking-water system shall ensure provision of,

- (a) water treatment equipment that is designed to be capable of secondary disinfection using chlorination or chloramination in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario* and that is designed to be capable of achieving, at all locations within the distribution system,
 - (i) a free chlorine residual of 0.2 milligrams per litre, if the drinking-water system provides chlorination and does not provide chloramination, or
 - (ii) a combined chlorine residual of 1.0 milligrams per litre, if the drinking-water system provides chloramination; or
- (b) other water treatment equipment that, in the opinion of a professional engineer, is designed to be capable of providing secondary disinfection that is equivalent to or better than the secondary disinfection provided by the equipment described in clause (a).

(2) This section does not apply if,

- (a) the owner complies with section 2-3 or 2-4, whichever is applicable; and
- (b) all parts of the drinking-water system and of the plumbing connected to the drinking-water system that are downstream of the equipment provided in accordance with section 2-3 or 2-4 are enclosed in a building or other protective structure.

Ultraviolet light disinfection equipment

2-6. If ultraviolet light disinfection equipment is provided by a drinking-water system, the owner of the drinking-water system and the operating authority for the system shall ensure that the following standards are met:

1. The disinfection equipment must have a feature that causes an alarm to sound in the following locations if the disinfection equipment malfunctions, loses power or ceases to provide the appropriate level of disinfection:
 - i. The building or structure where the disinfection equipment is installed.
 - ii. A location where a person is present, if a person is not always present at the location described in subparagraph i.
 - iii. Every designated facility served by the drinking-water system.
2. If an alarm sounds under paragraph 1, a person described in paragraph 9 of subsection 2-2 (2) who is at the building or structure where the disinfection equipment is installed must take appropriate action or, if no such person is at that location, a person described in paragraph 9 of subsection 2-2 (2) must promptly be dispatched to that location to take appropriate action.
3. A person who is dispatched under paragraph 2 must arrive at the building or structure where the disinfection equipment is installed as soon as possible.

OWRA approvals and OWRA orders with less stringent requirements

2-7. This Schedule prevails over an OWRA approval or OWRA order granted or issued before August 1, 2000 that provides for less stringent requirements.

OWRA approvals and OWRA orders that give additional time for compliance

2-8. If an OWRA approval or OWRA order granted or issued on or after August 1, 2000 provides that a drinking-water system is required, by a date specified in the approval or order that is later than the date this Regulation comes into force,

- (a) to comply with section 5 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) or section 4 of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities); or
 - (b) to ensure that water treatment equipment is provided for primary disinfection, secondary disinfection or filtration,
- sections 2-2 to 2-6 do not apply until the date specified in the approval or order.

Delayed compliance

2-9. (1) Subject to section 2-8, if a large municipal non-residential system, a non-municipal year-round residential system or a large non-municipal non-residential system does not serve a designated facility, the system commenced operation before August 1, 2000 and, immediately before that day, the system was not in compliance with sections 2-2 to 2-6, those sections do not apply until,

- (a) July 1, 2004, if the system obtains water from a raw water supply that is surface water; or
 - (b) December 31, 2005, if the system obtains water from a raw water supply that is ground water.
- (2) Subject to section 2-8, if a small municipal non-residential system, a non-municipal seasonal residential system or a small non-municipal non-residential system does not serve a designated facility, the system commenced operation before the day this Regulation comes into force and, immediately before that day, the system was not in compliance with sections 2-2 to 2-6, those sections do not apply until,
- (a) July 1, 2005, if the system obtains water from a raw water supply that is surface water; or
 - (b) December 31, 2006, if the system obtains water from a raw water supply that is ground water.
- (3) Subject to section 2-8, if a large municipal non-residential system, a small municipal non-residential system, a non-municipal year-round residential system, a non-municipal seasonal residential system, a large non-municipal non-residential system or a small non-municipal non-residential system serves a designated facility other than a school, the system commenced operation before December 19, 2001 and, immediately before that day, the system was not in compliance with sections 2-2 to 2-6, those sections do not apply until July 1, 2003.
- (4) Despite subsection (3) but subject to section 2-8, if a large municipal non-residential system, a small municipal non-residential system, a non-municipal year-round residential system, a non-municipal seasonal residential system, a large non-municipal non-residential system or a small non-municipal non-residential system serves a designated facility referred to in subsection (5), the system commenced operation before the day this Regulation came into force and, immediately before that day, the system was not in compliance with sections 2-2 to 2-6, those sections do not apply until July 1, 2004.
- (5) Subsection (4) applies to a drinking-water system if it serves one or more of the following designated facilities:
1. A children's camp.
 2. A residence for seniors or retired persons, or any other similar residence, where attainment of a mature age is a factor in being accepted for occupancy, if the residence is not operated for commercial purposes.

provided that the drinking-water system was required, by a date specified in the approval or order that is on or before the date this Regulation comes into force,

- (a) to comply with section 5 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) or section 4 of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities); or
- (b) to ensure that water treatment equipment is provided for primary disinfection, secondary disinfection or filtration.

Notice if s. 2-9 applies

2-10. (1) The owner of a drinking-water system to which section 2-9 applies, other than a system that serves a designated facility, shall give a notice to the Director in accordance with subsection (2) not later than,

- (a) December 31, 2004, in the case of a small non-municipal non-residential system; or
- (b) July 1, 2004, in the case of any other drinking-water system.

(2) The notice must indicate one of the following:

- 1. The owner intends to comply with sections 2-2 to 2-6 not later than the date the owner is required to comply under section 2-9.
- 2. The owner intends to make an application under clause 38 (3) (a) or 60 (3) (a) of the Act for relief from compliance with some or all of the requirements of sections 2-2 to 2-6.
- 3. The owner intends to post warning notices and take the other steps necessary to obtain the exemption provided by section 8 of this Regulation.

(3) The owner of a drinking-water system shall promptly give a notice to the Director that describes any changes that occur with respect to information that was given in an earlier notice under subsection (1) or this subsection.

(4) Subsection (1) does not apply if, before the date the notice is required to be given to the Director under that subsection,

- (a) the owner of the drinking-water system gives the Director a notice that complies with section 21-7 of Schedule 21; or
- (b) the owner of the drinking-water system makes an application under clause 38 (3) (a) or 60 (3) (a) of the Act for relief from compliance with some or all of the requirements of sections 2-2 to 2-6.

SCHEDULE 3

POINT OF ENTRY TREATMENT

Municipal: Large Non-Residential
Small Non-Residential

Non-Municipal: Large Non-Residential
Small Non-Residential

Application

3-1. This Schedule applies to the following drinking-water systems:

- 1. Large municipal non-residential systems.
- 2. Small municipal non-residential systems.
- 3. Large non-municipal non-residential systems.
- 4. Small non-municipal non-residential systems.

Exemption: s. 2-5 of Sched. 2

3-2. Section 2-5 of Schedule 2 does not apply to a drinking-water system if the following criteria are met:

- 1. A point of entry treatment unit belonging to the owner of the drinking-water system is installed in the plumbing of every building and other structure served by the drinking-water system.
- 2. If adjustments are required to a point of entry unit and access to the unit requires the permission of the occupants of the building or structure that is served by the unit, notice must be given to the occupants informing them that access is required for that purpose.

SCHEDULE 4

RELIEF FROM SCHEDULE 1

Municipal: Large Residential
Small Residential

Application: systems

4-1. This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

Application: conditions

4-2. This Schedule applies to a condition imposed by the Director under clause 38 (2) (a) of the Act only if the condition provides relief from compliance with all of the requirements of the following provisions:

1. Paragraph 2 of subsection 1-2 (1) of Schedule 1.
2. Subsection 1-2 (2) of Schedule 1.
3. Sections 1-3 to 1-6 of Schedule 1.

Prohibitions

4-3. (1) The Director is prohibited from imposing a condition under clause 38 (2) (a) of the Act if the drinking-water system obtains water from a raw water supply that is surface water.

(2) The Director is prohibited from imposing a condition under clause 38 (2) (a) of the Act if the condition would apply after the fifth anniversary of the date the condition is imposed, but this subsection does not prohibit the Director from subsequently imposing that condition again pursuant to a new application under clause 38 (3) (a) of the Act.

(3) The Director is prohibited from imposing a condition under clause 38 (2) (a) of the Act unless the municipality to which the drinking-water system relates has passed a resolution requesting the condition.

Assessment

4-4. A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) of the Act shall ensure that a written assessment is prepared in accordance with the following rules before an application is made under clause 38 (3) (a) of the Act:

1. The assessment must be prepared by a professional hydrogeologist.
2. The assessment must assess the aquifer and the wells that the drinking-water system obtains water from, the well head protection and the impact of existing and anticipated land uses.
3. The assessment must include,
 - i. the results of all drinking-water tests required under the Act during the 24 months before the assessment is prepared, and
 - ii. the results of all analyses required under Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) during the 24 months before the assessment is prepared, if the assessment is prepared less than 24 months after the revocation of that Regulation.
4. The assessment must include,
 - i. a written statement from the professional hydrogeologist confirming that he or she has requested and, to the best of his or her knowledge, received all information in the possession of the medical officer of health that relates to the drinking-water system,
 - ii. a written statement from the professional hydrogeologist confirming that he or she has consulted with the medical officer of health about potential health-related issues or concerns that relate to the drinking-water system, and
 - iii. a summary of all the potential health-related issues and concerns that relate to the drinking-water system that were identified by the medical officer of health.

Consultation

4-5. A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) of the Act shall ensure that public consultation is conducted in accordance with the following rules before an application is made under clause 38 (3) (a) of the Act:

1. A public meeting must be conducted to obtain comments on the proposed condition.

system.

3. The person proposing the condition must prepare a written summary of the comments made at the public meeting, along with the person's responses to the comments.

SCHEDULE 5

RELIEF FROM SCHEDULE 2

Municipal: Large Non-Residential
Small Non-Residential

Non-Municipal: Year-Round Residential
Seasonal Residential
Large Non-Residential
Small Non-Residential

Application

5-1. This Schedule applies to the following drinking-water systems:

1. Large municipal non-residential systems.
2. Small municipal non-residential systems.
3. Non-municipal year-round residential systems.
4. Non-municipal seasonal residential systems.
5. Large non-municipal non-residential systems.
6. Small non-municipal non-residential systems.

Application: conditions

5-2. This Schedule applies to a condition imposed by the Director under clause 38 (2) (a) or 60 (2) (a) of the Act only if the condition provides relief from compliance with all of the requirements of the following provisions:

1. Paragraph 2 of subsection 2-2 (1) of Schedule 2.
2. Subsection 2-2 (2) of Schedule 2.
3. Sections 2-3 to 2-6 of Schedule 2.

Prohibitions

5-3. (1) The Director is prohibited from imposing a condition under clause 38 (2) (a) or 60 (2) (a) of the Act if the drinking-water system obtains water from a raw water supply that is surface water.

(2) The Director is prohibited from imposing a condition under clause 38 (2) (a) or 60 (2) (a) of the Act if the condition would apply after the fifth anniversary of the date the condition is imposed, but this subsection does not prohibit the Director from subsequently imposing that condition again pursuant to a new application under clause 38 (3) (a) or 60 (3) (a) of the Act.

Assessment

5-4. (1) A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) or 60 (2) (a) of the Act shall ensure that a written assessment is prepared in accordance with the following rules before an application is made under clause 38 (3) (a) or 60 (3) (a) of the Act:

1. The assessment must be prepared by a professional engineer.
2. The assessment must include,
 - i. a written statement from the professional engineer confirming that he or she has requested and, to the best of his or her knowledge, received all information in the possession of the medical officer of health that relates to the drinking-water system,
 - ii. a written statement from the professional engineer confirming that he or she has consulted with the medical officer of health about potential health-related issues or concerns that relate to the drinking-water system, and
 - iii. a summary of all the potential health-related issues and concerns that relate to the drinking-water system that were identified by the medical officer of health.
3. The assessment must include a characterization of the drinking-water system's raw water supply prepared by or under the supervision of the professional engineer that includes,

- i. the results of all microbiological tests conducted on waters from the system during the 24 months before the assessment is prepared,
 - ii. the results of a testing program conducted on the system's raw water supply that includes, in each of the 24 months before the assessment is prepared, at least one test for *Escherichia coli* (E. coli) or fecal coliforms and at least one test for total coliforms,
 - iii. a written statement from the professional engineer confirming that, in his or her opinion, there are no significant and rapid shifts in raw water supply characteristics in relation to any of the following parameters:
 - A. pH,
 - B. turbidity,
 - C. temperature,
 - D. nitrate and nitrite,
 - E. conductivity, and
 - iv. copies of all results of any tests the professional engineer has obtained, from any person, that show past evidence of any of the following organisms or chemicals in the system's raw water supply:
 - A. viruses,
 - B. chlorophyll a,
 - C. protozoan cysts,
 - D. macro-organisms.
4. The assessment must include surveys and analyses prepared by or under the supervision of the professional engineer that deal with the potential risks of microbiological contamination with respect to each of the following:
- i. well construction and well head protection,
 - ii. the well head vicinity and recharge zone,
 - iii. the drinking-water system's distribution system and plumbing that is connected to the drinking-water system that is owned by the owner of the drinking-water system,
 - iv. connections between the drinking-water system and plumbing that is not owned by the owner of the drinking-water system.
5. The assessment must include a proposed management plan prepared by or under the supervision of the professional engineer that provides guidance for operations related to preventing, reducing and managing microbiological risks, including,
- i. procedures describing seasonal start-up and scheduled routine maintenance activities related to flushing and disinfecting the system,
 - ii. procedures for increased monitoring activities following heavy rainfall, floods or other adverse weather events,
 - iii. logs for recording samples taken for tests, including records of locations, times, signatures and test results,
 - iv. a protocol for notifying users of water from the system, the Ministry and the medical officer of health, including contact lists,
 - v. procedures for corrective action to be taken on receipt of adverse sampling results that are consistent with the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*, and
 - vi. procedures for recording summaries of any corrective actions taken, the results that were achieved, and the resolution of the issues that gave rise to the corrective actions.
- (2) Subparagraph 3 i of subsection (1) does not apply to a drinking-water system that has not begun operation.

Consultation

5-5. A person who proposes that the Director include a condition in an approval under clause 38 (2) (a) or 60 (2) (a) of the Act shall ensure that public consultation is conducted in accordance with the following rules before an application is made under clause 38 (3) (a) or 60 (3) (a) of the Act:

1. The following persons must be notified of the proposed condition and given a reasonable opportunity to comment on it:
 - i. The occupants of the private residences served by the system.
 - ii. The operators and occupants of the designated facilities served by the system.

- iv. The operators of all other premises served by the system.
2. The person proposing the condition must prepare a written summary of the comments made under paragraph 1, along with the person's responses to the comments.

SCHEDULE 6

OPERATIONAL CHECKS, SAMPLING AND TESTING — GENERAL

Application

6-1. This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.
3. Large municipal non-residential systems.
4. Small municipal non-residential systems.
5. Non-municipal year-round residential systems.
6. Non-municipal seasonal residential systems.
7. Large non-municipal non-residential systems.
8. Small non-municipal non-residential systems.

Location of samples

6-2. Unless otherwise specified, a person who is required to ensure that samples are taken under this Regulation, or under an approval or order, including an OWRA order, shall ensure that they are taken from the point at which treated water enters the drinking-water systems' distribution system or plumbing that is connected to the drinking-water system.

Microbiological samples and chlorine residual

6-3. (1) If this Regulation or an approval or order, including an OWRA order, requires a water sample to be taken and tested for a microbiological parameter, the owner of the drinking-water system and the operating authority for the system shall ensure that another sample is taken at the same time from the same location and is tested immediately for,

- (a) free chlorine residual, if the system provides chlorination and does not provide chloramination; or
- (b) combined chlorine residual, if the system provides chloramination.

(2) Subsection (1) does not apply to water samples taken from the drinking-water system's raw water or raw water supply.

(3) Subsection (1) does not apply to sampling and testing for a microbiological parameter that is conducted by microbiological in-line testing equipment.

Form of sampling

6-4. (1) A person who is required to ensure that samples are taken under this Regulation, or under an approval or order, including an OWRA order, shall ensure that they are taken in the form of grab samples, unless continuous monitoring equipment or microbiological in-line testing equipment is authorized or required.

(2) Continuous monitoring equipment may be used for sampling and testing that is required under this Regulation, or under an approval or order, for,

- (a) turbidity;
- (b) fluoride;
- (c) free chlorine residual; and
- (d) free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual.

(3) Microbiological in-line testing equipment may be used for sampling and testing for a microbiological parameter that is required under this Regulation, or under an approval or order, if the Director is of the opinion that the testing method used by the equipment and the person operating the equipment is equivalent to a testing method for the parameter that is accredited by the Standards Council of Canada.

Continuous monitoring

6-5. (1) If a drinking-water system uses continuous monitoring equipment for sampling and testing that is required under this Regulation, or under an approval or order, for a parameter set out in the Table to this section, the owner of the system and the operating authority for the system shall ensure that the following standards are met:

1. The continuous monitoring equipment must,
 - i. test for the parameter with at least the minimum frequency specified in the Table for the parameter, and
 - ii. record the date, time, sampling location and result of every test for the parameter with at least the minimum frequency referred to in subparagraph i.
2. If the continuous monitoring equipment tests for a parameter more often than is required by subparagraph 1 i, the equipment may, instead of complying with subparagraph 1 ii,
 - i. record the minimum, maximum and mean results of tests for the parameter for every period that is equal to the length of time referred to in subparagraph 1 i, along with the sampling location, the date of the tests conducted during the period and the time at the end of the period, and
 - ii. record the result of every test that causes an alarm to sound under paragraph 5, along with the sampling location and the date and time of the test.
3. Test results recorded under paragraph 1 or 2 must be examined, within 24 hours after the tests are conducted,
 - i. by a certified operator, in the case of,
 - A. a large municipal residential system,
 - B. a small municipal residential system,
 - C. a large municipal non-residential system,
 - D. a non-municipal year-round residential system, or
 - E. a large non-municipal non-residential system, or
 - ii. by a trained person, in the case of,
 - A. a non-municipal seasonal residential system,
 - B. a small municipal non-residential system, or
 - C. a small non-municipal non-residential system.
4. If test results are not examined under paragraph 3 at the location where the tests are conducted, the continuous monitoring equipment must transmit the results to the location where they are examined.
5. The continuous monitoring equipment must cause an alarm to sound at the following locations if the equipment malfunctions or loses power or a test result for a parameter is above the maximum alarm standard or below the minimum alarm standard specified in the Table to this section for the parameter:
 - i. The location where the equipment conducts tests.
 - ii. A location where a person is present, if a person is not always present at the location where the equipment conducts tests.
 - iii. Every designated facility served by the drinking-water system, unless the system is a large municipal residential system or a small municipal residential system.
6. If any of the following circumstances arise, a person qualified to examine test results under paragraph 3 who is at the location where tests are conducted must take appropriate action or, if no such person is at that location, one must promptly be dispatched to that location to take appropriate action:
 - i. An alarm sounds under paragraph 5.
 - ii. A record of a test result indicates that an alarm should have sounded under paragraph 5.
 - iii. There is good reason to believe that the continuous monitoring equipment has malfunctioned or lost power.
7. A person who is dispatched under paragraph 6 must arrive at the location where tests are conducted as soon as possible.
8. The continuous monitoring equipment must be checked and calibrated in accordance with the manufacturer's instructions.
9. If the manufacturer's instructions do not indicate how often to check and calibrate the continuous monitoring equipment, the equipment must be checked and calibrated at least once a month while the drinking-water system is in operation, in the case of,

- ii. a non-municipal seasonal residential system, or
 - iii. a small non-municipal non-residential system.
10. If the manufacturer's instructions do not indicate how often to check and calibrate the continuous monitoring equipment and paragraph 9 does not apply, the equipment must be checked and calibrated as often as necessary to ensure that test results are within the following margins of error:
- i. In the case of free chlorine residual, 0.05 milligrams per litre, if the concentrations usually measured by the equipment are less than or equal to 1.0 milligrams per litre, and proportionally higher if the concentrations usually measured are greater than 1.0 milligrams per litre,
 - ii. In the case of free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual, 0.05 milligrams per litre, if the concentrations usually measured by the equipment are less than or equal to 1.0 milligrams per litre, and proportionally higher if the concentrations usually measured are greater than 1.0 milligrams per litre,
 - iii. 0.1 Nephelometric Turbidity Units (NTU), in the case of turbidity.

(2) For the purposes of the Table to this section, the concentration of free chlorine residual or combined chlorine residual that is required to achieve primary disinfection for the drinking-water system shall be determined in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*.

TABLE

Item	Parameter	Minimum Testing and Recording Frequency	Maximum Alarm Standard	Minimum Alarm Standard
1.	Free chlorine residual	5 minutes	Not applicable	0.1 milligrams per litre less than the concentration of free chlorine residual that is required to achieve primary disinfection
2.	Free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual	5 minutes	Not applicable	0.1 milligrams per litre less than the concentration of combined chlorine residual that is required to achieve primary disinfection
3.	Turbidity	15 minutes	1.0 Nephelometric Turbidity Units (NTU)	Not applicable

Turbidity testing

6-6. If a water sample is required to be taken and tested for turbidity, the owner of the drinking-water system and the operating authority for the system shall ensure that the testing is conducted using a turbidity meter that measures turbidity in Nephelometric Turbidity Units (NTU).

Chlorine residual testing

6-7. (1) If a water sample is required to be taken and tested for free chlorine residual or combined chlorine residual, the owner of the drinking-water system and the operating authority for the system shall ensure that the testing is conducted using,

- (a) an electronic direct readout colourimetric or amperometric chlorine analyzer; or
- (b) another device, if, based on an inspection of the device and on a review of relevant records and documentation, a professional engineer certifies in writing that it is equivalent to or better than an electronic direct readout colourimetric or amperometric chlorine analyser, having regard to accuracy, reliability and ease of use.

(2) Subsection (1) does not apply to testing that is conducted by continuous monitoring equipment.

Sample handling

6-8. (1) If this Regulation or an approval or order, including an OWRA order, requires a water sample to be tested for a parameter by a laboratory, the owner of the drinking-water system and the operating authority for the system shall ensure that, subject to the other provisions of this Regulation, the sample is taken and handled in accordance with the directions of the laboratory to which the sample will be delivered for testing, including directions to,

- (a) follow any sampling instructions that are provided by the laboratory;
- (b) use a specified kind of container or a container that is provided by the laboratory;
- (c) complete and submit any forms that are provided by the laboratory; and

(d) deliver the sample to the laboratory within a time period specified by the laboratory.

(2) If this Regulation or an approval or order, including an OWRA order, requires a water sample to be tested for a microbiological parameter by a laboratory, the owner of the drinking-water system and the operating authority for the system shall ensure that the sample is kept refrigerated or in a cooler at all times during storage and transportation between the time the sample is taken and the time the sample is delivered to the laboratory.

Testing by laboratories

6-9. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that every test required by this Regulation, or by an approval or order, including an OWRA order, for a parameter is conducted by an accredited laboratory for that parameter.

(2) If a test required by this Regulation, or by an approval or order, including an OWRA order, is conducted by a laboratory outside Ontario, the owner of the drinking-water system and the operating authority for the system shall ensure that,

- (a) the laboratory is provided with a copy of this Regulation; and
- (b) the laboratory has agreed in writing to comply with subsection (3) of this section, with Schedule 16 and with subsections 18 (1) and (4) of the Act.

(3) A laboratory that conducts a test required by this Regulation, or by an approval or order, including an OWRA order, shall, within 14 days after completing the test, prepare a report on the results of the test and send a copy of the report to the Director and to,

- (a) the operating authority for the drinking-water system, if an operating authority is responsible for the system; or
- (b) the owner of the drinking-water system, if no operating authority is responsible for the system.

(4) If a test of a water sample for a parameter is required by this Regulation, or by an approval or order, including an OWRA order, the owner of the drinking-water system and the operating authority for the system shall ensure that written notice of the identity of the laboratory that will conduct the test is given to the Director before the sample is tested, unless,

- (a) the Director has previously been notified under this subsection that a water sample from the drinking-water system was to be tested for that parameter by that laboratory; or
- (b) before this Regulation came into force, the Director was previously notified in accordance with Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) or Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities) that a water sample from the drinking-water system was to be tested for that parameter by that laboratory.

(5) Subsection (1) does not apply to,

- (a) testing that is conducted by continuous monitoring equipment or microbiological in-line testing equipment;
- (b) testing that is conducted in accordance with an approval or order, including an OWRA order, if the testing is for a parameter that is not listed in the Ontario Drinking-Water Quality Standards and,
 - (i) the parameter is not identified in the approval or order as a health-related parameter, or
 - (ii) the parameter is identified in the approval or order as a health-related parameter and the testing is conducted by a Ministry of the Environment laboratory or by a laboratory that, in the Director's opinion, is proficient in conducting tests for that parameter; or
- (c) testing for fluoride, turbidity or free chlorine residual or combined chlorine residual, if the testing is conducted in the drinking-water system, or in a facility served by the system, by,
 - (i) a certified operator,
 - (ii) a trained person,
 - (iii) a provincial officer, or
 - (iv) a person who,
 - (A) has at least one year of experience working in a laboratory in a drinking-water system or in a laboratory that, in the Director's opinion, is similar to a laboratory in a drinking-water system, and
 - (B) has passed an examination approved by the Director that relates to water quality testing in drinking-water systems or, in the Director's opinion, has education, training or experience indicating that the person has the skills tested by the examination.

(6) If a test of a water sample for a parameter is required by an approval or order, including an OWRA order, and the parameter is identified in the approval or order as a health-related parameter, the owner of the drinking-water system and the

sent to the laboratory, or the maximum concentration set out for the parameter in the approval or order.

(7) A laboratory that conducts tests required by this Regulation, or by an approval or order, including an OWRA order, for more than one microbiological parameter,

(a) shall conduct separate tests for each parameter; and

(b) shall not infer the result for one parameter from a result obtained for another parameter.

(8) For the purposes of this section, a laboratory is an accredited laboratory for a parameter if,

(a) the laboratory is accredited for testing of that parameter by the Standards Council of Canada; or

(b) the laboratory has obtained an accreditation for testing of that parameter that, in the Director's opinion, is equivalent to accreditation by the Standards Council of Canada.

(9) For the purposes of this section, testing for a microbiological parameter shall be deemed to be conducted by an accredited laboratory for that parameter if it is carried out in an Ontario Ministry of Health and Long-Term Care laboratory by a member of the College of Medical Laboratory Technologists of Ontario.

Records

6-10. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that, for every sample required by this Regulation or by an approval or order, including an OWRA order, a record is made of the following information:

1. The date and time the sample was taken, the location where the sample was taken and the name of the person who took the sample.

2. If the sample is taken under section 7 of this Regulation or Schedule 7, 8 or 9, the date and time the sample was tested, the name of the person who conducted the test, and the results of the test.

(2) Subsection (1) does not apply to a sample tested by continuous monitoring equipment or microbiological in-line testing equipment.

OWRA orders

6-11. If an OWRA order requires samples to be taken and tested for a parameter and a provision of Schedules 7 to 15 also requires samples to be taken and tested for the parameter, the provision of Schedules 7 to 15 prevails.

SCHEDULE 7

OPERATIONAL CHECKS

Municipal: Large Residential
Small Residential

Application

7-1. This Schedule applies to the following drinking-water systems.

1. Large municipal residential systems.

2. Small municipal residential systems.

Chlorine residual

7-2. (1) The owner of a drinking-water system that provides chlorination for primary disinfection shall ensure that sampling and testing for free chlorine residual is carried out by continuous monitoring equipment in the treatment process at a location where the intended contact time has just been completed in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*.

(2) The owner of a drinking-water system that provides chloramination for primary disinfection shall ensure that sampling and testing for combined chlorine residual is carried out by continuous monitoring equipment in the treatment process at a location where the intended contact time has just been completed in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*.

(3) The owner of a drinking-water system that provides secondary disinfection and the operating authority for the system shall ensure that a distribution sample is taken at least once every day and is tested immediately for,

(a) free chlorine residual, if the system provides chlorination and does not provide chloramination; or

(b) combined chlorine residual, if the system provides chloramination.

Turbidity

7-3. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that a water sample is taken at least once every month, from a location that is before raw water enters the treatment system, and is tested for turbidity.

(2) If a drinking-water system obtains water from a raw water supply that is surface water and the system provides filtration,

- (a) subsection (1) does not apply; and
- (b) the owner of the system shall ensure that sampling and testing for turbidity is carried out by continuous monitoring equipment on each filter effluent line.

Fluoride

7-4. If a drinking-water system provides fluoridation,

- (a) the owner of the system and the operating authority for the system shall ensure that a water sample is taken at the end of the fluoridation process at least once every day and is tested for fluoride; and
- (b) the owner of the system and the operating authority for the system shall ensure that the concentration of fluoride is maintained between 0.5 and 0.8 milligrams per litre at the end of the fluoridation process.

Testing by certified operators

7-5. The owner of a drinking-water system and the operating authority for the system shall ensure that every test required by this Schedule is conducted by a certified operator, unless the test is carried out by continuous monitoring equipment.

SCHEDULE 8**OPERATIONAL CHECKS**

Municipal: Large Non-Residential

Non-Municipal: Year-Round Residential
Large Non-Residential

Application

8-1. This Schedule applies to the following drinking-water systems:

- 1. Large municipal non-residential systems.
- 2. Non-municipal year-round residential systems.
- 3. Large non-municipal non-residential systems.

Check of treatment equipment

8-2. The owner of a drinking-water system and the operating authority for the system shall ensure that all water treatment equipment is checked at least once each week by a certified operator to confirm proper functioning and that, for each check, a record is made of the date and time of the check, the name of the person who performed the check and the results of the check.

Chlorine residual

8-3. (1) The owner of a drinking-water system that provides chlorination for primary disinfection and the operating authority for the system shall ensure that a water sample is taken at least once every day, in the treatment process at a location where the intended contact time has just been completed in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*, and is tested immediately for free chlorine residual.

(2) The owner of a drinking-water system that provides chloramination for primary disinfection shall ensure that sampling and testing for combined chlorine residual is carried out by continuous monitoring equipment in the treatment process at a location where the intended contact time has just been completed in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*.

(3) The owner of a drinking-water system that provides secondary disinfection and the operating authority for the system shall ensure that a distribution sample is taken at least once every day and is tested immediately for,

- (a) free chlorine residual, if the system provides chlorination and does not provide chloramination; or
- (b) combined chlorine residual, if the system provides chloramination.

8-4. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that a water sample is taken at least once every month, from a location that is before raw water enters the treatment system, and is tested immediately for turbidity.

(2) If a drinking-water system obtains water from a raw water supply that is surface water and the system provides filtration,

(a) subsection (1) does not apply; and

(b) the owner of the system shall ensure that sampling and testing for turbidity is conducted by continuous monitoring equipment on each filter effluent line.

Testing by certified operators

8-5. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that every test required by this Schedule is conducted by a certified operator.

(2) Subsection (1) does not apply to tests conducted by continuous monitoring equipment.

Non-residential systems

8-6. Sections 8-2, 8-3 and 8-4 do not apply to the following drinking-water systems during days on which all designated facilities and all public facilities served by the system are not open:

1. A large municipal non-residential system.
2. A large non-municipal non-residential system.

Transition: certified operators

8-7. If the owner of a drinking-water system is not required to comply with sections 2-2 to 2-6 of Schedule 2 until after this Regulation comes into force, a reference in this Schedule to a certified operator shall be deemed, with respect to that system, to be a reference to any person until the owner complies with sections 2-2 to 2-6 of Schedule 2.

SCHEDULE 9

OPERATIONAL CHECKS

Municipal: Small Non-Residential

Non-Municipal: Seasonal Residential
Small Non-Residential

Application

9-1. This Schedule applies to the following drinking-water systems:

1. Small municipal non-residential systems.
2. Non-municipal seasonal residential systems.
3. Small non-municipal non-residential systems.

Check of treatment equipment

9-2. The owner of a drinking-water system and the operating authority for the system shall ensure that all water treatment equipment is checked at least once each week by a trained person to confirm proper functioning and that, for each check, a record is made of the date and time of the check, the name of the person who performed the check and the results of the check.

Chlorine residual

9-3. (1) The owner of a drinking-water system that provides chlorination for primary disinfection and the operating authority for the system shall ensure that a water sample is taken at least once every day, in the treatment process at a location where the intended contact time has just been completed in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*, and is tested immediately for free chlorine residual.

(2) The owner of a drinking-water system that provides chloramination for primary disinfection shall ensure that sampling and testing for combined chlorine residual is carried out by continuous monitoring equipment in the treatment process at a location where the intended contact time has just been completed in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*.

(3) The owner of a drinking-water system that provides secondary disinfection and the operating authority for the system shall ensure that a distribution sample is taken at least once every day and is tested immediately for,

(a) free chlorine residual, if the system provides chlorination and does not provide chloramination; or

(b) combined chlorine residual, if the system provides chloramination.

Turbidity

9-4. If Schedule 2 requires filtration equipment to be provided in a drinking-water system, the owner of the system and the operating authority for the system shall ensure that a water sample is taken at least once every day on each filter effluent line and is tested immediately for turbidity.

Testing by trained persons

9-5. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that every test required by this Schedule is conducted by a trained person.

(2) Subsection (1) does not apply to tests conducted by continuous monitoring equipment.

Exception

9-6. Sections 9-2 to 9-4 do not apply to a drinking-water system during days on which all designated facilities and all public facilities served by the system are not open.

Small non-municipal non-residential systems that do not serve designated facilities

9-7. If a small non-municipal non-residential system does not serve a designated facility, this Schedule does not apply to the system until the second anniversary of the day this Regulation comes into force.

Transition: trained persons

9-8. If the owner of a drinking-water system is not required to comply with sections 2-2 to 2-6 of Schedule 2 until after this Regulation comes into force, a reference in this Schedule to a trained person shall be deemed, with respect to that system, to be a reference to any person until the owner complies with sections 2-2 to 2-6 of Schedule 2.

SCHEDULE 10

MICROBIOLOGICAL SAMPLING AND TESTING

Large Municipal Residential

Application

10-1. This Schedule applies to large municipal residential systems.

Distribution samples

10-2. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that,

- (a) if the system serves 100,000 people or less, at least eight distribution samples, plus one additional distribution sample for every 1,000 people served by the system, are taken every month, with at least one of the samples being taken in each week; and
- (b) if the system serves more than 100,000 people, at least 100 distribution samples, plus one additional distribution sample for every 10,000 people served by the system, are taken every month, with at least three of the samples being taken in each week.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for,

- (a) *Escherichia coli* or fecal coliforms; and
- (b) total coliforms.

(3) The owner of the drinking-water system and the operating authority for the system shall ensure that at least 25 per cent of the samples taken under subsection (1) are tested for general bacteria population expressed as background colony counts on the total coliform membrane filter or as colony counts on a heterotrophic plate count.

Treated samples

10-3. The owner of a drinking-water system and the operating authority for the system shall ensure that a water sample is taken at least once every week and tested for,

- (a) *Escherichia coli* or fecal coliforms;
- (b) total coliforms; and
- (c) general bacteria population expressed as background colony counts on the total coliform membrane filter or as colony counts on a heterotrophic plate count.

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10-4. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that a water sample is taken at least once every week from the drinking-water system's raw water, before any treatment is applied to the water.

(2) If the drinking-water system obtains water from a raw water supply that is ground water, the owner of the system and the operating authority for the system shall ensure that a sample is taken under subsection (1) from each well in the system.

(3) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for,

- (a) *Escherichia coli* or fecal coliforms; and
- (b) total coliforms.

Approvals before Aug. 1, 2000

10-5. This Schedule prevails over an OWRA approval granted before August 1, 2000 that provides for less stringent sampling or testing.

SCHEDULE 11

MICROBIOLOGICAL SAMPLING AND TESTING

Municipal: Small Residential
Large Non-Residential

Non-Municipal: Year-Round Residential
Large Non-Residential

Application

11-1. This Schedule applies to the following drinking-water systems:

- 1. Small municipal residential systems.
- 2. Large municipal non-residential systems.
- 3. Non-municipal year-round residential systems.
- 4. Large non-municipal non-residential systems.

Distribution samples

11-2. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that,

- (a) at least one distribution sample is taken every week, if chlorination or chloramination is provided; or
- (b) at least two distribution samples are taken every week, if neither chlorination nor chloramination is provided.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for,

- (a) *Escherichia coli* or fecal coliforms;
- (b) total coliforms; and
- (c) general bacteria population expressed as colony counts on a heterotrophic plate count.

(3) The frequency of sampling under subsection (1) may be reduced to the frequency set out in subsection (4) if, for a period of 24 consecutive months, not more than one of the test results obtained under paragraph 2 of section 18-5 and paragraph 1 of section 18-6 of Schedule 18 to this Regulation exceeds the standard prescribed for *Escherichia coli*, fecal coliforms or total coliforms by Schedule 1 to the Ontario Drinking-Water Quality Standards.

(4) If a reduction in the frequency of sampling is permitted under subsection (3), the frequency of sampling under subsection (1) may be reduced so that,

- (a) at least one distribution sample is taken every two weeks, if chlorination or chloramination is provided; or
- (b) at least one distribution sample is taken every week, if neither chlorination nor chloramination is provided.

(5) Subsection (3) ceases to apply if, in any period of 24 consecutive months, more than one of the test results obtained under paragraph 2 of section 18-5 and paragraph 1 of section 18-6 of Schedule 18 to this Regulation exceed the standard prescribed for *Escherichia coli*, fecal coliforms or total coliforms by Schedule 1 to the Ontario Drinking-Water Quality Standards.

Raw water samples

11-3. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that a water sample is taken at least once every month from the drinking-water system's raw water, before any treatment is applied to the water.

(2) If the drinking-water system obtains water from a raw water supply that is ground water, the owner of the system and the operating authority for the system shall ensure that a sample is taken under subsection (1) from each well in the system.

(3) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for,

- (a) *Escherichia coli* or fecal coliforms; and
- (b) total coliforms.

Seven-day shutdowns

11-4. (1) If the drinking-water system does not operate for a period of seven or more consecutive days, sampling and testing is not required under sections 11-2 and 11-3 during that period.

(2) If the drinking-water system does not operate for a period of seven or more consecutive days, the owner of the system and the operating authority for the system shall ensure that no drinking water is supplied to a user of water from the system until samples have been taken and tested under sections 11-2 and 11-3 and the results of the tests have been received by the owner and the operating authority.

Approvals before Aug. 1, 2001

11-5. This Schedule prevails over an OWRA approval granted before August 1, 2000 that provides for less stringent sampling or testing.

SCHEDULE 12**MICROBIOLOGICAL SAMPLING AND TESTING**

Municipal: Small Non-Residential

Non-Municipal: Seasonal Residential
Small Non-Residential

Application

12-1. This Schedule applies to the following drinking-water systems:

- 1. Small municipal non-residential systems.
- 2. Non-municipal seasonal residential systems.
- 3. Small non-municipal non-residential systems.

Distribution samples

12-2. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that,

- (a) at least one distribution sample is taken every two weeks, if chlorination or chloramination is provided; or
- (b) at least one distribution sample is taken every week, if neither chlorination nor chloramination is provided.

(2) If a non-municipal seasonal residential system supplies water to more than 100 service connections, the owner of the system and the operating authority for the system shall ensure that, for every 100 service connections, at least one distribution sample is taken every month, in addition to the samples required by subsection (1).

(3) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsections (1) and (2) is tested for,

- (a) *Escherichia coli* or fecal coliforms;
- (b) total coliforms; and
- (c) general bacteria population expressed as colony counts on a heterotrophic plate count.

(4) The frequency of sampling under subsection (1) may be reduced to the frequency set out in subsection (5) if, for a period of 24 consecutive months, not more than one of the test results obtained under paragraph 2 of section 18-5 and paragraph 1 of section 18-6 of Schedule 18 to this Regulation exceeds the standard prescribed for *Escherichia coli*, fecal coliforms or total coliforms by Schedule 1 to the Ontario Drinking-Water Quality Standards.

(5) If a reduction in the frequency of sampling is permitted under subsection (4), the frequency of sampling under subsection (1) may be reduced so that,

(b) at least one distribution sample is taken every week, if neither chlorination nor chloramination is provided.

(6) Subsection (4) ceases to apply if, in any period of 24 consecutive months, more than one of the test results obtained under paragraph 2 of section 18-5 and paragraph 1 of section 18-6 of Schedule 18 to this Regulation exceed the standard prescribed for *Escherichia coli*, fecal coliforms or total coliforms by Schedule 1 to the Ontario Drinking-Water Quality Standards.

Raw water samples

12-3. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that a water sample is taken at least once every month from the drinking-water system's raw water, before any treatment is applied to the water.

(2) If the drinking-water system obtains water from a raw water supply that is ground water, the owner of the system and the operating authority for the system shall ensure that a sample is taken under subsection (1) from each well in the system.

(3) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for,

(a) *Escherichia coli* or fecal coliforms; and

(b) total coliforms.

Seven-day shutdowns

12-4. (1) If the drinking-water system does not operate for a period of seven or more consecutive days, sampling and testing is not required under sections 12-2 and 12-3 during that period.

(2) If the drinking-water system does not operate for a period of seven or more consecutive days, the owner of the system and the operating authority for the system shall ensure that no drinking water is supplied to a user of water from the system until samples have been taken and tested under sections 12-2 and 12-3 and the results of the tests have been received by the owner and the operating authority.

Approvals before Dec. 19, 2001

12-5. This Schedule prevails over an OWRA approval granted before December 19, 2001 that provides for less stringent sampling or testing.

Small non-municipal non-residential systems that do not serve designated facilities

12-6. If a small non-municipal non-residential system does not serve a designated facility, this Schedule does not apply to the system until the second anniversary of the day this Regulation comes into force.

SCHEDULE 13

CHEMICAL SAMPLING AND TESTING

Municipal: Large Residential
Small Residential
Large Non-Residential

Non-Municipal: Year-Round Residential
Large Non-Residential

Application

13-1. This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.
3. Large municipal non-residential systems.
4. Non-municipal year-round residential systems.
5. Large non-municipal non-residential systems.

Inorganics

13-2. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that,

- (a) at least one water sample is taken every 12 months, if the system obtains water from a raw water supply that is surface water; or

(b) at least one water sample is taken every 36 months, if the system obtains water from a raw water supply that is ground water.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for every parameter set out in Schedule 23.

Lead

13-3. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that at least one distribution sample is taken every 12 months, from a point in the drinking-water system's distribution system, or in plumbing that is connected to the drinking-water system, that is likely to have an elevated concentration of lead.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for lead.

Organics

13-4. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that,

(a) at least one water sample is taken every 12 months, if the system obtains water from a raw water supply that is surface water; or

(b) at least one water sample is taken every 36 months, if the system obtains water from a raw water supply that is ground water.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for every parameter set out in Schedule 24.

Increased frequency under ss. 13-2, 13-3 and 13-4

13-5. (1) If a test result obtained under section 13-2, 13-3 or 13-4 for a parameter exceeds half of the standard prescribed for the parameter in Schedule 2 to the Ontario Drinking-Water Quality Standards, the frequency of sampling and testing for that parameter under that section shall be increased so that at least one water sample is taken and tested every three months.

(2) Subsection (1) ceases to apply to a parameter if,

(a) in the case of a drinking-water system that obtains water from a raw water supply that is surface water, for four consecutive three-month periods in which the system is in operation, none of the test results obtained under section 13-2, 13-3 or 13-4 for the parameter exceed half of the standard prescribed for the parameter in Schedule 2 to the Ontario Drinking-Water Quality Standards; or

(b) in the case of a drinking-water system that obtains water from a raw water supply that is ground water, for two consecutive three-month periods in which the system is in operation, none of the test results obtained under section 13-2, 13-3 or 13-4 for the parameter exceed half of the standard prescribed for the parameter in Schedule 2 to the Ontario Drinking-Water Quality Standards.

Trihalomethanes

13-6. (1) The owner of a drinking-water system that provides chlorination or chloramination and the operating authority for the system shall ensure that at least one distribution sample is taken every three months, from a point in the drinking-water system's distribution system, or plumbing that is connected to the drinking-water system, that is likely to have an elevated potential for the formation of trihalomethanes.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for trihalomethanes.

Nitrate and nitrite

13-7. The owner of a drinking-water system and the operating authority for the system shall ensure that at least one water sample is taken every three months and tested for nitrate and nitrite.

Sodium

13-8. The owner of a drinking-water system and the operating authority for the system shall ensure that at least one water sample is taken every 60 months and tested for sodium.

Fluoride

13-9. If a drinking-water system does not provide fluoridation, the owner of the system and the operating authority for the system shall ensure that a water sample is taken at least once every 60 months and tested for fluoride.

First tests

13-10. Where this Schedule requires that water samples be taken and tested for a parameter with a frequency of a period of time fixed by this Schedule, the owner of the drinking-water system and the operating authority for the system shall ensure that the first sample is taken and tested for that parameter,

- (i) the date the last sample was taken and tested for that parameter under Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) or Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities), if one of those regulations applied to the drinking-water system,
 - (ii) the date the last sample was taken and tested for that parameter for the purpose of preparing a report under section 13 of Ontario Regulation 459/00, if that regulation applied to the drinking-water system, and
 - (iii) the date the last sample was taken and tested for that parameter before this Regulation came into force for the purpose of complying with an OWRA approval or OWRA order or making an application for an OWRA approval, if a sample was taken and tested for that parameter for that purpose before this Regulation came into force; or
- (b) within that period of time or 12 months, whichever is shorter, after this Schedule begins to apply to the drinking-water system, if clause (a) does not apply.

60-day shutdowns

13-11. If the drinking-water system does not operate for a period of 60 or more consecutive days, sampling and testing is not required under sections 13-5, 13-6 and 13-7 during that period.

Approvals before Aug. 1, 2000

13-12. This Schedule prevails over an OWRA approval granted before August 1, 2000 that provides for less stringent sampling or testing.

SCHEDULE 14

CHEMICAL SAMPLING AND TESTING

Municipal: Small Non-Residential

Non-Municipal: Seasonal Residential

Application

14-1. This Schedule applies to the following drinking-water systems:

1. Small municipal non-residential systems.
2. Non-municipal seasonal residential systems.

Inorganics and organics

14-2. The owner of a drinking-water system and the operating authority for the system shall ensure that at least one water sample is taken every 60 months and tested for every parameter set out in Schedules 23 and 24.

Lead

14-3. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that at least one distribution sample is taken every 60 months, from a point in the drinking-water system's distribution system, or in plumbing that is connected to the drinking-water system, that is likely to have an elevated concentration of lead.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for lead.

Trihalomethanes

14-4. (1) The owner of a drinking-water system that provides chlorination or chloramination and the operating authority for the system shall ensure that at least one distribution sample is taken every three months, from a point in the drinking-water system's distribution system, or plumbing that is connected to the drinking-water system, that is likely to have an elevated potential for the formation of trihalomethanes.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for trihalomethanes.

(3) Subsections (1) and (2) do not apply to a non-municipal seasonal residential system.

Nitrate and nitrite

14-5. The owner of a drinking-water system and the operating authority for the system shall ensure that at least one water sample is taken every three months and tested for nitrate and nitrite.

Sodium

14-6. The owner of a drinking-water system and the operating authority for the system shall ensure that at least one water sample is taken every 60 months and tested for sodium.

Fluoride

14-7. If a drinking-water system does not provide fluoridation, the owner of the system and the operating authority for the system shall ensure that at least one water sample is taken at least once every 60 months and tested for fluoride.

First tests

14-8. Where this Schedule requires that water samples be taken and tested for a parameter with a frequency of a period of time fixed by this Schedule, the owner of the drinking-water system and the operating authority for the system shall ensure that the first sample is taken and tested for that parameter,

- (a) within that period of time after the latest of,
 - (i) the date the last sample was taken and tested for that parameter under Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) or Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities), if one of those regulations applied to the drinking-water system,
 - (ii) the date the last sample was taken and tested for that parameter for the purpose of preparing a report under section 13 of Ontario Regulation 459/00, if that regulation applied to the drinking-water system, and
 - (iii) the date the last sample was taken and tested for that parameter before this Regulation came into force for the purpose of complying with an OWRA approval or OWRA order or making an application for an OWRA approval, if a sample was taken and tested for that parameter for that purpose before this Regulation came into force; or
- (b) within that period of time or 12 months, whichever is shorter, after this Schedule begins to apply to the drinking-water system, if clause (a) does not apply.

60-day shutdowns

14-9. If the drinking-water system does not operate for a period of 60 or more consecutive days, sampling and testing is not required under sections 14-4 and 14-5 during that period.

Approvals before Dec. 19, 2001

14-10. This Schedule prevails over an OWRA approval granted before December 19, 2001 that provides for less stringent sampling or testing.

SCHEDULE 15**CHEMICAL SAMPLING AND TESTING****Small Non-Municipal Non-Residential****Application**

15-1. This Schedule applies to small non-municipal non-residential systems.

Inorganics and organics

15-2. The owner of a drinking-water system that serves a designated facility, and the operating authority for the system, shall ensure that at least one water sample is taken every 60 months and tested for every parameter set out in Schedules 23 and 24.

Lead

15-3. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that at least one distribution sample is taken every 60 months, from a point in the drinking-water system's distribution system, or in plumbing that is connected to the drinking-water system, that is likely to have an elevated concentration of lead.

(2) The owner of the drinking-water system and the operating authority for the system shall ensure that each of the samples taken under subsection (1) is tested for lead.

Nitrate and nitrite

15-4. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that at least one water sample is taken every three months and tested for nitrate and nitrite.

(2) If the drinking-water system does not operate for a period of 60 or more consecutive days, sampling and testing is not required under subsection (1) during that period.

Sodium

15-5. The owner of a drinking-water system and the operating authority for the system shall ensure that at least one water sample is taken every 60 months and tested for sodium.

15-6. If a drinking-water system does not provide fluoridation, the owner of the system and the operating authority for the system shall ensure that at least one water sample is taken at least once every 60 months and tested for fluoride.

First tests

15-7. Where this Schedule requires that water samples be taken and tested for a parameter with a frequency of a period of time fixed by this Schedule, the owner of the drinking-water system and the operating authority for the system shall ensure that the first sample is taken and tested for that parameter,

- (a) within that period of time after the later of,
 - (i) the date the last sample was taken and tested for that parameter under Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) or Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities), if one of those regulations applied to the drinking-water system, and
 - (ii) the date the last sample was taken and tested for that parameter before this Regulation came into force for the purpose of complying with an OWRA approval or OWRA order or making an application for an OWRA approval, if a sample was taken and tested for that parameter for that purpose before this Regulation came into force; or
- (b) within that period of time or 12 months, whichever is shorter, after this Schedule begins to apply to the drinking-water system, if clause (a) does not apply.

Approvals before Dec. 19, 2001

15-8. This Schedule prevails over an OWRA approval granted before December 19, 2001 that provides for less stringent sampling or testing.

Small non-municipal non-residential systems that do not serve designated facilities

15-9. If a small non-municipal non-residential system does not serve a designated facility, this Schedule does not apply to the system until the second anniversary of the day this Regulation comes into force.

SCHEDULE 16

REPORTING ADVERSE TEST RESULTS AND OTHER PROBLEMS

Application

16-1. This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.
3. Large municipal non-residential systems.
4. Small municipal non-residential systems.
5. Non-municipal year-round residential systems.
6. Non-municipal seasonal residential systems.
7. Large non-municipal non-residential systems.
8. Small non-municipal non-residential systems.

Exemption

16-2. Subsection 18 (1) of the Act does not apply to a drinking-water test unless,

- (a) the test is required by this Regulation, an approval or an order, including an OWRA order;
- (b) the test is conducted by or pursuant to the direction of the owner of a drinking-water system, the operating authority for a drinking-water system or a certified operator or trained person employed by the owner or operating authority;
- (c) the test is conducted by or pursuant to the direction of a provincial officer;
- (d) the test is conducted by or pursuant to the direction of the medical officer of health or a member of the staff of the medical officer of health;
- (e) the test is conducted by or pursuant to the direction of a person employed in the Ministry of Health and Long-Term Care or the Ministry of Labour; or
- (f) the test is conducted by continuous monitoring equipment or microbiological in-line testing equipment.

Duty to report under s. 18 of the Act

16-3. The following are prescribed as adverse results of a drinking-water test for the purpose of section 18 of the Act:

1. A result that exceeds any of the standards prescribed by Schedule 1, 2 or 3 to the Ontario Drinking-Water Quality Standards, other than the standard for fluoride, if the result is from a sample of drinking water.
2. A result indicating the presence of *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) in a sample of drinking water.
3. A result indicating the presence of a pesticide not listed in Schedule 2 to the Ontario Drinking-Water Quality Standards in a sample of drinking water, at any concentration.
4. A result indicating that the concentration of free chlorine residual is less than 0.05 milligrams per litre in a distribution sample, if the drinking-water system provides chlorination and does not provide chloramination.
5. A result indicating that the concentration of combined chlorine residual is less than 0.25 milligrams per litre in a distribution sample, if the drinking-water system provides chloramination.
6. If the drinking-water system is required to provide filtration, a result indicating that turbidity exceeds 1.0 Nephelometric Turbidity Units (NTU) in,
 - i. a grab sample of water taken from a filter effluent line, or
 - ii. two samples of water from a filter effluent line that are tested by continuous monitoring equipment, if the two samples were taken 15 minutes or more apart and the later of the two samples was the first sample that was taken 15 minutes or more after the earlier sample.
7. If an approval or order, including an OWRA order, identifies a parameter as a health-related parameter and establishes a maximum concentration for the parameter, a result indicating that the parameter exceeds the maximum concentration in a sample of drinking water.
8. A result indicating that the concentration of sodium exceeds 20 milligrams per litre in a sample of drinking water, if a report under subsection 18 (1) of the Act has not been made in respect of sodium in the preceding 60 months.
9. A result indicating that the concentration of fluoride exceeds 1.5 milligrams per litre in a sample of drinking water, if a report under subsection 18 (1) of the Act has not been made in respect of fluoride in the preceding 60 months.

Duty to report other observations

16-4. If an observation other than an adverse test result prescribed by section 16-3 indicates that a drinking-water system that provides or is required to provide disinfection is directing water that has not been properly disinfected to users of water from the system, the owner of the system shall report to the Ministry and the medical officer of health immediately after the observation is made.

Report to designated facilities

16-5. (1) An owner of a drinking-water system who is required to report under section 16-4 or under subsection 18 (1) of the Act shall also report to the operator of each designated facility served by the system immediately after the adverse result is obtained or the observation is made.

(2) Subsection (1) does not apply to the owner of a large municipal residential system.

(3) Subsection (1) does not apply if the owner of the drinking-water system is also the operator of the designated facility.

Manner of making immediate report

16-6. (1) A person who is required to report immediately under section 16-4 or 16-5 or under section 18 of the Act shall do so in accordance with this section and section 16-8.

(2) An immediate report required under section 16-4 or 16-5 or under subsection 18 (1) of the Act must be given by speaking in person or by telephone with a person referred to in subsection (3).

(3) For the purpose of subsection (2), the immediate report must be given,

(a) to a medical officer of health, by speaking with a person at the office of the medical officer of health or, if the office is closed, by speaking with a person at the on-call system of the health unit;

(b) to the Ministry, by speaking with a person at the Ministry's Spills Action Centre; and

(c) if the report is required under section 16-5, by speaking with a responsible individual at the designated facility.

(4) An immediate report required under subsection 18 (3) of the Act must be given by speaking in person or by telephone with a person designated for that purpose by the owner of the drinking-water system.

(5) An immediate notice required under subsection 18 (4) of the Act must be given by speaking in person or by telephone with a person designated for that purpose by,

(b) the owner of the system, if no operating authority is responsible for the system.

(6) If an immediate report is required to be given under section 16-5 to the operator of a designated facility that is not open, the report must be given not later than the time the designated facility re-opens.

Written notice

16-7. (1) A person who is required to report immediately to another person under section 16-4 or 16-5 or under subsection 18 (1) of the Act shall also give the other person a written notice in accordance with this section and section 16-8.

(2) A written notice required by subsection (1) must be given within 24 hours after the immediate report is given under section 16-4 or 16-5 or under subsection 18 (1) of the Act.

(3) A written notice required by subsection (1) must be given to,

(a) the medical officer of health, by delivering the written notice to the office of the medical officer of health;

(b) the Ministry, by delivering the written notice to the Ministry's Spills Action Centre; and

(c) the operator of a designated facility, by delivering the written notice to the facility.

(4) A person who is required to give a written notice to a designated facility under subsection (1) shall also give a copy of the notice to,

(a) the minister responsible for the ministry or a person designated by the minister, if the interested authority is a ministry;
or

(b) the head of the interested authority, if the interested authority is not a ministry.

(5) Subsection (4) does not apply to a designated facility that is,

(a) a private school;

(b) a children's camp; or

(c) a residence for seniors or retired persons, or any other similar residence, where attainment of a mature age is a factor in being accepted for occupancy.

Content of report and notice

16-8. (1) An immediate report given under section 16-4 or 16-5 or under section 18 of the Act must specify the adverse test result or observation that requires the report.

(2) An immediate report given by the owner of a drinking-water system under section 16-4 or 16-5 or under subsection 18 (1) of the Act must indicate,

(a) what actions are being taken in response to the adverse test result or observation that requires the report; and

(b) if Schedule 17 or 18 requires that a corrective action be taken in respect of the adverse test result or observation, whether the corrective action is being taken.

(3) Subsections (1) and (2) also apply, with necessary modifications, to the written notice given by the person under section 16-7.

Notice of issue resolution

16-9. (1) If an immediate report or a written notice is given under this Schedule and the issue that gave rise to the notice is resolved, the owner of the drinking-water system shall, within seven days after the issue is resolved, give a written notice summarizing the action taken and the results achieved to,

(a) the medical officer of health, by delivering the written notice to the office of the medical officer of health; and

(b) the Ministry, by delivering the written notice to the Ministry's Spills Action Centre.

(2) If an immediate report or a written notice is given under this Schedule to the interested authority for a designated facility and the issue that gave rise to the notice is resolved, the owner of the drinking-water system shall, within 30 days after the issue is resolved, give a written notice summarizing the action taken and the results achieved to the interested authority.

SCHEDULE 17

CORRECTIVE ACTION

Large Municipal Residential

Application

17-1. This Schedule applies to large municipal residential systems.

Improper disinfection

17-2. If a report is required to be made under section 16-4 of Schedule 16 in respect of water that has not been properly disinfected, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately restore the proper disinfection.
2. Take such other steps as are directed by the medical officer of health.

Turbidity

17-3. If a report is required to be made under section 18 of the Act in respect of turbidity, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately check all the drinking-water system's filters and turbidity monitoring equipment.
2. Review upstream operational processes and correct any faulty processes that are identified.
3. Take such other steps as are directed by the medical officer of health.

Chlorine residual

17-4. If a report is required to be made under section 18 of the Act in respect of free chlorine residual or combined chlorine residual, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,
 - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chlorination and does not provide chloramination, or
 - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chloramination.
2. Take such other steps as are directed by the medical officer of health.

Escherichia coli (E. coli) or fecal coliforms

17-5. If a report is required to be made under section 18 of the Act in respect of *Escherichia coli* (E. coli) or fecal coliforms, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. Immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,
 - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chlorination and does not provide chloramination, or
 - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chloramination.
3. Maintain the free chlorine residual or combined chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system, and continue to resample and test, until *Escherichia coli* (E. coli) or fecal coliforms are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. Take such other steps as are directed by the medical officer of health.

Total coliforms

17-6. If a report is required to be made under section 18 of the Act in respect of total coliforms, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If total coliforms are detected under paragraph 1, immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,

- ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chloramination and does not provide chlorination, or
3. Maintain the free chlorine residual or combined chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system, and continue to resample and test, until total coliforms are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. Take such other steps as are directed by the medical officer of health.

Background colony counts on the total coliform membrane filter

17-7. If a report is required to be made under section 18 of the Act in respect of general bacteria population expressed as background colony counts on the total coliform membrane filter, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If more than 200 colony forming units (CFU) per 100 millilitres are detected under paragraph 1, immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,
 - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chlorination and does not provide chloramination, or
 - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chloramination.
3. Maintain the free chlorine residual or combined chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system, and continue to resample and test, until less than 200 colony forming units (CFU) per 100 millilitres are detected in all of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. Take such other steps as are directed by the medical officer of health.

Colony counts on a heterotrophic plate count

17-8. If a report is required to be made under section 18 of the Act in respect of general bacteria population expressed as colony counts on a heterotrophic plate count, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If more than 500 colony forming units (CFU) per millilitre are detected under paragraph 1, immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,
 - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chlorination and does not provide chloramination, or
 - ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chloramination.
3. Maintain the free chlorine residual or combined chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system, and continue to resample and test, until less than 500 colony forming units (CFU) per millilitre are detected in all of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. Take such other steps as are directed by the medical officer of health.

Aeromonas spp., etc.

17-9. If a report is required to be made under section 18 of the Act in respect of *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*), the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are detected under paragraph 1, immediately increase the chlorine or chloramine dose and flush the watermains to ensure that,
 - i. a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chlorination and does not provide chloramination, or

- ii. a combined chlorine residual of at least 1.0 milligrams per litre is achieved at all points in the affected parts of the distribution system, if the drinking-water system provides chloramination.
- 3. Maintain the free chlorine residual or combined chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system, and continue to resample and test, until *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
- 4. Take such other steps as are directed by the medical officer of health.

Chemical and radiological parameters in O. Reg. 169/03

17-10. If a report is required to be made under section 18 of the Act in respect of a chemical or radiological parameter set out in Schedule 2 or 3 to the Ontario Drinking-Water Quality Standards, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

- 1. Immediately resample and test.
- 2. If a concentration that exceeds the standard prescribed for the parameter by Schedule 2 or 3 to the Ontario Drinking-Water Quality Standards is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

Pesticide not listed in Schedule 2 to O. Reg. 169/03

17-11. If a report is required to be made under section 18 of the Act in respect of a pesticide not listed in Schedule 2 to the Ontario Drinking-Water Quality Standards, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

- 1. Immediately resample and test.
- 2. If the pesticide is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

Health-related parameters in an approval or order

17-12. If an approval or order identifies a parameter as a health-related parameter and a report is required to be made under section 18 of the Act in respect of the parameter, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

- 1. Immediately resample and test.
- 2. If a concentration that exceeds the maximum concentration established for the parameter by the approval or order is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

Sodium

17-13. If a report is required to be made under section 18 of the Act in respect of sodium, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

- 1. Immediately resample and test.
- 2. If a concentration of sodium that exceeds 20 milligrams per litre is detected under paragraph 1, take such steps as are directed by the medical officer of health.

SCHEDULE 18

CORRECTIVE ACTION

Municipal: Small Residential
Large Non-Residential
Small Non-Residential

Non-Municipal: Year-Round Residential
Seasonal Residential
Large Non-Residential
Small Non-Residential

Application

18-1. This Schedule applies to the following drinking-water systems:

- 1. Small municipal residential systems.
- 2. Large municipal non-residential systems.
- 3. Small municipal non-residential systems.

5. Non-municipal seasonal residential systems.
6. Large non-municipal non-residential systems.
7. Small non-municipal non-residential systems.

Improper disinfection

18-2. If a report is required to be made under section 16-4 of Schedule 16 in respect of water that has not been properly disinfected, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use.
2. Immediately restore the disinfection.
3. Take such other steps as are directed by the medical officer of health.

Turbidity

18-3. If a report is required to be made under section 18 of the Act in respect of turbidity, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use.
2. Immediately check all the drinking-water system's filters and turbidity monitoring equipment.
3. Review upstream operational processes and correct any faulty processes that are identified.
4. After taking the steps referred to in paragraphs 1, 2 and 3,
 - i. follow the manufacturer's recommendations for servicing or backwashing the nearest filter upstream of the location where the sample that gave rise to the report under section 18 of the Act was taken, or
 - ii. replace the filter cartridge or filter element of the nearest filter upstream of the location where the sample that gave rise to the report under section 18 of the Act was taken,
 and flush the distribution system and any plumbing owned by the owner of the drinking-water system.
5. Take such other steps as are directed by the medical officer of health.

Chlorine residual

18-4. If a report is required to be made under section 18 of the Act in respect of free chlorine residual, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use.
2. Immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking-water system to ensure that a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing.
3. Take such other steps as are directed by the medical officer of health.

***Escherichia coli* (E. coli) or fecal coliforms**

18-5. If a report is required to be made under section 18 of the Act in respect of *Escherichia coli* (E. coli) or fecal coliforms, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use.
2. Immediately resample and test.
3. If the drinking-water system provides chlorination, immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking-water system to ensure that a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing.
4. If the drinking-water system provides chlorination, maintain the free chlorine residual concentration referred to in paragraph 3 in the affected parts of the distribution system and plumbing, and continue to resample and test, until *Escherichia coli* (E. coli) or fecal coliforms are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.

5. If the drinking-water system does not provide chlorination, immediately take the relevant corrective action steps described in the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*.
6. Take such other steps as are directed by the medical officer of health.

Total coliforms

18-6. If a report is required to be made under section 18 of the Act in respect of total coliforms, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If total coliforms are detected under paragraph 1, immediately take all reasonable steps to notify all users of water from the system to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use.
3. If total coliforms are detected under paragraph 1 and the drinking-water system provides chlorination, immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking-water system to ensure that a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing.
4. If total coliforms are detected under paragraph 1 and the drinking-water system provides chlorination, maintain the free chlorine residual concentration referred to in paragraph 3 in the affected parts of the distribution system and plumbing, and continue to resample and test, until total coliforms are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
5. If total coliforms are detected under paragraph 1 and the drinking-water system does not provide chlorination, immediately take the relevant corrective action steps described in the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*.
6. Take such other steps as are directed by the medical officer of health.

Background colony counts on the total coliform membrane filter

18-7. If a report is required to be made under section 18 of the Act in respect of general bacteria population expressed as background colony counts on the total coliform membrane filter, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If more than 200 colony forming units (CFU) per 100 millilitres are detected under paragraph 1 and the drinking-water system provides chlorination, immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking-water system to ensure that a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing.
3. If more than 200 colony forming units (CFU) per 100 millilitres are detected under paragraph 1 and the drinking-water system provides chlorination, maintain the free chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system and plumbing, and continue to resample and test, until less than 200 colony forming units (CFU) per 100 millilitres are detected in all of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. If more than 200 colony forming units (CFU) per 100 millilitres are detected under paragraph 1 and the drinking-water system does not provide chlorination, immediately take the relevant corrective action steps described in the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*.
5. Take such other steps as are directed by the medical officer of health.

Colony counts on a heterotrophic plate count

18-8. If a report is required to be made under section 18 of the Act in respect of general bacteria population expressed as colony counts on a heterotrophic plate count, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If more than 500 colony forming units (CFU) per millilitre are detected under paragraph 1 and the drinking-water system provides chlorination, immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking-water system to ensure that a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing.
3. If more than 500 colony forming units (CFU) per millilitre are detected under paragraph 1 and the drinking-water system provides chlorination, maintain the free chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system and plumbing, and continue to resample and test, until less than 500 colony

to hours apart or as otherwise directed by the medical officer of health.

4. If more than 500 colony forming units (CFU) per millilitre are detected under paragraph 1 and the drinking-water system does not provide chlorination, immediately take the relevant corrective action steps described in the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*.
5. Take such other steps as are directed by the medical officer of health.

***Aeromonas* spp., etc.**

18-9. If a report is required to be made under section 18 of the Act in respect of *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*), the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are detected under paragraph 1 and the drinking-water system provides chlorination, immediately increase the chlorine dose and flush the distribution system and any plumbing owned by the owner of the drinking-water system to ensure that a free chlorine residual of at least 0.2 milligrams per litre is achieved at all points in the affected parts of the distribution system and plumbing.
3. If *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are detected under paragraph 1 and the drinking-water system provides chlorination, maintain the free chlorine residual concentration referred to in paragraph 2 in the affected parts of the distribution system and plumbing, and continue to resample and test, until *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the medical officer of health.
4. If *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp. or fecal *streptococci* (Group D *streptococci*) are detected under paragraph 1 and the drinking-water system does not provide chlorination, immediately take the relevant corrective action steps described in the Ministry's *Procedure for Corrective Action for Systems Not Currently Using Chlorine*.
5. Take such other steps as are directed by the medical officer of health.

Chemical and radiological parameters in O. Reg. 169/03

18-10. If a report is required to be made under section 18 of the Act in respect of a chemical or radiological parameter set out in Schedule 2 or 3 to the Ontario Drinking-Water Quality Standards, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If a concentration that exceeds the standard prescribed for the parameter by Schedule 2 or 3 to the Ontario Drinking-Water Quality Standards is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

Pesticide not listed in Schedule 2 to O. Reg. 169/03

18-11. If a report is required to be made under section 18 of the Act in respect of a pesticide not listed in Schedule 2 to the Ontario Drinking-Water Quality Standards, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If the pesticide is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

Health-related parameters in an approval or order

18-12. If an approval or order identifies a parameter as a health-related parameter and a report is required to be made under section 18 of the Act in respect of the parameter, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If a concentration that exceeds the maximum concentration established for the parameter by the approval or order is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

Sodium

18-13. If a report is required to be made under section 18 of the Act in respect of sodium, the owner of the drinking-water system and the operating authority for the system shall ensure that the following corrective action is taken:

1. Immediately resample and test.
2. If a concentration of sodium that exceeds 20 milligrams per litre is detected under paragraph 1, take such other steps as are directed by the medical officer of health.

SCHEDULE 19

WARNING NOTICE OF POTENTIAL PROBLEMS

Municipal: Small Residential
Large Non-Residential
Small Non-Residential

Non-Municipal: Year-Round Residential
Seasonal Residential
Large Non-Residential
Small Non-Residential

Application

19-1. This Schedule applies to the following drinking-water systems:

1. Small municipal residential systems.
2. Large municipal non-residential systems.
3. Small municipal non-residential systems.
4. Non-municipal year-round residential systems.
5. Non-municipal seasonal residential systems.
6. Large non-municipal non-residential systems.
7. Small non-municipal non-residential systems.

Warning notice to be posted

19-2. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that warning notices are posted in accordance with this section if,

- (a) the owner or operating authority is required under Schedule 18 to take all reasonable steps to ensure that all users of water from the system are notified to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use; or
- (b) the owner or operating authority is not complying with Schedule 11, 12 or 18.

(2) The warning notices required by subsection (1) must be posted in prominent locations where they are likely to come to the attention of users of water from the system.

(3) As part of complying with subsection (2), if the drinking-water system serves a designated facility, the warning notices required by subsection (1) must be posted,

- (a) at every entrance to every building and every structure that is part of the designated facility; or
- (b) if the designated facility does not have any building or structure, at a location where the warning notices are likely to come to the attention of all persons who enter the facility.

(4) If the drinking-water system serves a designated facility that is not owned by the owner of the drinking-water system, the owner of the system and the operating authority for the system shall be deemed to have ensured that warning notices are posted in accordance with subsection (3) if the operator of the facility is provided with,

- (a) sufficient copies of the warning notices required by subsection (3); and
- (b) instructions to post the warning notices in accordance with subsection (3).

Posting by others

19-3. (1) If warning notices are not posted in accordance with section 19-2, the warning notices may be posted by,

- (a) a provincial officer; or
- (b) a public health inspector under the *Health Protection and Promotion Act*.

(2) If warning notices are not posted in accordance with section 19-2 at a designated facility, the warning notices may also be posted by an officer or agent of the interested authority for the designated facility.

(3) Subsection (2) does not apply to the following designated facilities:

2. A children's camp.
3. A residence for seniors or retired persons, or any other similar residence, where attainment of a mature age is a factor in being accepted for occupancy.

SCHEDULE 20

ENGINEERS' REPORTS

Municipal: Large Residential
Small Residential

Application

20-1. This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

Engineers' reports

20-2. (1) The owner of a drinking-water system shall ensure that reports are given to the Director in accordance with this section.

(2) A report under this section must be prepared by a professional engineer who has experience in sanitary engineering related to drinking-water supplies and who is not an employee of the owner of the drinking-water system.

(3) A report under this section must be prepared in accordance with the document entitled *Terms of Reference for Engineers' Reports for Water Works*, originally dated August 2000, published by and available from the Ministry, as amended from time to time.

(4) If, before this Regulation came into force, a report in respect of the drinking-water system was given to the Director under section 13 of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works), the first report under this section must be given to the Director not later than the fifth anniversary of the date the report was required to be given under Ontario Regulation 459/00.

(5) If subsection (4) does not apply and the drinking-water system began operation after August 1, 2000 and before this Regulation comes into force, the first report under this section must be given to the Director not later than the fifth anniversary of the date the system began operation.

(6) If subsections (4) and (5) do not apply in respect of a drinking-water system that began operation before this Regulation came into force, the first report under this section in respect of the system must be given to the Director within 90 days after this Regulation came into force.

(7) If a drinking-water system begins operation on or after the date this Regulation comes into force, the first report under this section must be given to the Director not later than the fifth anniversary of the date the system began operation.

(8) Subsequent reports under this section must be given to the Director not later than the fifth anniversary of the date the preceding report was required to be given.

(9) Subsection (8) prevails over an OWRA order or OWRA approval.

(10) An approval granted after this section comes into force prevails over subsections (4) to (8).

SCHEDULE 21

ENGINEERING EVALUATION REPORTS

Municipal: Large Non-Residential
Small Non-Residential

Non-Municipal: Year-Round Residential
Seasonal Residential
Large Non-Residential
Small Non-Residential

Application

21-1. (1) This Schedule applies to the following drinking-water systems:

1. Large municipal non-residential systems.
2. Small municipal non-residential systems.
3. Non-municipal year-round residential systems.

4. Non-municipal seasonal residential systems.
5. Large non-municipal non-residential systems.
6. Small non-municipal non-residential systems.

(2) This Schedule does not apply to a drinking-water system if the system has an approval with a condition that provides relief from compliance with all of the requirements of the following provisions:

1. Paragraph 2 of subsection 2-2 (1) of Schedule 2.
2. Subsection 2-2 (2) of Schedule 2.
3. Sections 2-3 to 2-6 of Schedule 2.

Systems that commenced operation before this Regulation

21-2. (1) The owner of a drinking-water system that commenced operation before this Regulation came into force shall ensure that a professional engineer who has experience in sanitary engineering related to drinking-water systems prepares a report that complies with section 21-5 not later than 30 days after sections 2-2 to 2-6 begin to apply to the system.

(2) If, before this Regulation came into force, a report on a drinking-water system was prepared and given to the Director in accordance with section 5 of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities), the owner of the system shall be deemed to have complied with subsection (1) and with the owner's first obligation to give a notice to the Director under section 21-7, and, for the purpose of this Schedule, the report required by subsection (1) shall be deemed to have been required to be prepared not later than the date it was required to be prepared and given under Ontario Regulation 505/01.

(3) Subsection (1) does not apply to a drinking-water system in respect of which an OWRA approval was granted after August 1, 2000 if the owner gives the Director a written statement by a professional engineer certifying that he or she has visited the system and, in his or her opinion, the system complies with the approval, and, for the purpose of this Schedule, the report required by subsection (1) shall be deemed to have been required to be prepared not later than the date the approval was granted.

(4) Subsection (1) does not apply if, before the date the report is required to be prepared under that subsection, a report is prepared under section 21-3 in respect of the drinking-water system.

New and altered systems

21-3. (1) If, after this Regulation comes into force, a drinking-water system commences operation or an alteration is made to a drinking-water system, the owner of the system shall ensure that, not later than 30 days after the system or altered system commences operation, a professional engineer who has experience in sanitary engineering related to drinking-water systems prepares a report that complies with section 21-5.

(2) Subsection (1) does not apply to,

- (a) the establishment or alteration of or a change to a service pipe;
- (b) the establishment or alteration of or a change in an appurtenance of a watermain, if the appurtenance does not disrupt the operation of the drinking-water system that the watermain is part of;
- (c) the relining of a watermain, if the new lining does not disrupt the operation of the drinking-water system that the watermain is part of;
- (d) the replacement of an existing watermain with a new watermain that has similar dimensions and performance criteria and that is in the same or approximately the same location, if,
 - (i) the existing watermain was established or previously altered in accordance with an approval, or
 - (ii) after the existing watermain was established or previously altered,
 - (A) a report was prepared in accordance with this section and a notice was given to the Director in accordance with section 21-7 with respect to the establishment or alteration, or
 - (B) a report was prepared and given to the Director in accordance with section 5 of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities) with respect to the establishment or alteration.

Subsequent reports

21-4. (1) If a report of a professional engineer with respect to a drinking-water system has been prepared under section 21-2 or 21-3 or this section, the owner of the system shall ensure that a professional engineer who has experience in sanitary engineering related to drinking-water systems prepares a subsequent report that complies with section 21-5,

- (a) if the drinking-water system obtains water from a raw water supply that is surface water, before the fifth anniversary of the earlier of,

- (ii) the date the preceding report was required to be prepared; or
- (b) if the drinking-water system obtains water from a raw water supply that is ground water, before the 10th anniversary of the earlier of,
 - (i) the date the preceding report was prepared, and
 - (ii) the date the preceding report was required to be prepared.

(2) If a report is prepared under section 21-3 in respect of an alteration to a drinking-water system before the date a report is required to be prepared under subsection (1), the owner of the system is not required to prepare a further report under subsection (1) until the fifth anniversary or 10th anniversary, as the case may be of the date the preceding report was required to be prepared under section 21-3.

Contents of engineer's report

21-5. For the purposes of this Schedule, a report complies with this section if,

- (a) the report specifies which type of drinking-water system listed in subsection 21-1 (1) the report deals with;
- (b) the professional engineer who prepares the report certifies in the report that he or she has visited the drinking-water system and that, in his or her opinion,
 - (i) all equipment required in order to ensure compliance with Schedule 2 is being provided, and
 - (ii) all equipment required in order to ensure compliance with Schedules 6, 8 and 9 is being provided; and
- (c) the report sets out the professional engineer's reasons for the opinion referred to in clause (b), along with the technical and other information he or she relied on in reaching that opinion.

Report to be delivered to owner

21-6. The professional engineer who prepares a report under section 21-2, 21-3 or 21-4 shall immediately deliver the report to the owner of the system.

Notice to Director

21-7. (1) The owner of the drinking-water system shall, within seven days after a report is required to be prepared under this Schedule, give a notice to the Director and to the interested authority for each designated facility served by the system that specifies which type of drinking-water system listed in subsection 21-1 (1) the report deals with and includes a copy of the opinion referred to in clause 21-5 (b).

(2) The owner of a drinking-water system shall promptly give a notice to the Director that describes any changes that occur with respect to information that was given in an earlier notice under subsection (1) or this subsection.

(3) The obligation to ensure that a notice be given to the interested authority for a designated facility under subsection (1) does not apply to the following designated facilities:

1. A private school.
2. A children's camp.
3. A residence for seniors or retired persons, or any other similar residence, where attainment of a mature age is a factor in being accepted for occupancy.

SCHEDULE 22

SUMMARY REPORTS FOR MUNICIPALITIES

Municipal: Large Residential
Small Residential

Application

22-1. This Schedule applies to the following drinking-water systems:

1. Large municipal residential systems.
2. Small municipal residential systems.

Report

22-2. (1) The owner of a drinking-water system shall ensure that, not later than March 31 of each year after 2004, a report is prepared in accordance with subsections (2) and (3) for the preceding calendar year and is given to,

- (a) in the case of a drinking-water system owned by a municipality, the members of the municipal council;

- (b) in the case of a drinking-water system owned by a municipal service board established under section 195 of the *Municipal Act, 2001*, the members of the municipal service board; or
 - (c) in the case of a drinking-water system owned by a corporation, the board of directors of the corporation.
- (2) The report must,
- (a) list the requirements of the Act, the regulations, the system's approval and any order that the system failed to meet at any time during the period covered by the report and specify the duration of the failure; and
 - (b) for each failure referred to in clause (a), describe the measures that were taken to correct the failure.
- (3) The report must also include the following information for the purpose of enabling the owner of the system to assess the capability of the system to meet existing and planned uses of the system:
- 1. A summary of the quantities and flow rates of the water supplied during the period covered by the report, including monthly average and maximum daily flows and daily instantaneous peak flow rates.
 - 2. A comparison of the summary referred to in paragraph 1 to the rated capacity and flow rates approved in the system's approval.
- (4) If a report is prepared under subsection (1) for a system that supplies water to a municipality under the terms of a contract, the owner of the system shall give a copy of the report to the municipality by March 31.

SCHEDULE 23

INORGANIC PARAMETERS

Item	Parameter
1.	Antimony
2.	Arsenic
3.	Barium
4.	Boron
5.	Cadmium
6.	Chromium
7.	Mercury
8.	Selenium
9.	Uranium

SCHEDULE 24

ORGANIC PARAMETERS

Item	Parameter
1.	Alachlor
2.	Aldicarb
3.	Aldrin + Dieldrin
4.	Atrazine + N-dealkylated metabolites
5.	Azinphos-methyl
6.	Bendiocarb
7.	Benzene
8.	Benzo(a)pyrene
9.	Bromoxynil
10.	Carbaryl
11.	Carbofuran
12.	Carbon Tetrachloride
13.	Chlordane (Total)
14.	Chlorpyrifos
15.	Cyanazine
16.	Diazinon
17.	Dicamba
18.	1,2-Dichlorobenzene
19.	1,4-Dichlorobenzene
20.	Dichlorodiphenyltrichloroethane (DDT) + metabolites
21.	1,2-dichloroethane
22.	1,1-Dichloroethylene (vinylidene chloride)
23.	Dichloromethane
24.	2,4-Dichlorophenol
25.	2,4-Dichlorophenoxy acetic acid (2,4-D)

26.	Diclorop-methyl
27.	Dimethoate
28.	Dinoseb
29.	Diquat
30.	Diuron
31.	Glyphosate
32.	Heptachlor + Heptachlor Epoxide
33.	Lindane (Total)
34.	Malathion
35.	Methoxychlor
36.	Metolachlor
37.	Metribuzin
38.	Monochlorobenzene
39.	Paraquat
40.	Parathion
41.	Pentachlorophenol
42.	Phorate
43.	Picloram
44.	Polychlorinated Biphenyls (PCB)
45.	Prometryne
46.	Simazine
47.	Temephos
48.	Terbufos
49.	Tetrachloroethylene (perchloroethylene)
50.	2,3,4,6-Tetrachlorophenol
51.	Triallate
52.	Trichloroethylene
53.	2,4,6-Trichlorophenol
54.	2,4,5-Trichlorophenoxy acetic acid (2,4,5-T)
55.	Trifluralin
56.	Vinyl Chloride

20/03

ONTARIO REGULATION 171/03

made under the

SAFE DRINKING WATER ACT, 2002

Made: April 24, 2003

Filed: May 2, 2003

DEFINITIONS OF WORDS AND EXPRESSIONS USED IN THE ACT

“Private residence”

1. For the purposes of the definition of “private residence” in subsection 2 (1) of the Act, a private residence is a dwelling place occupied for an extended period of time by the same persons, if,

- (a) the residents have a reasonable expectation of privacy;
- (b) food preparation, personal hygiene, and sleeping accommodations are not communal in nature; and
- (c) any use of the dwelling place by a resident for a home occupation, trade, business, profession or craft is secondary to the use of the dwelling place as a residence and does not use more than 25 per cent of the indoor floor area.

“Regulated non-municipal drinking-water system”

2. (1) In this section, the following expressions have the same meaning as in Ontario Regulation 170/03 (Drinking-Water Systems):

- 1. Large non-municipal non-residential system.
- 2. Non-municipal year-round residential system.

3. Non-municipal seasonal residential system.
4. Small non-municipal non-residential system.

(2) The following non-municipal drinking-water systems are prescribed for the purposes of the definition of “regulated non-municipal drinking-water system” in subsection 2 (1) of the Act and for the purposes of the provisions of the Act listed in subsection (3):

1. Large non-municipal non-residential systems.
2. Small non-municipal non-residential systems.
3. Non-municipal year-round residential systems.
4. Non-municipal seasonal residential systems.

(3) The provisions of the Act referred to in subsection (2) are the following:

1. Section 11.
2. Section 18.
3. Subsection 52 (1).
4. Subsection 54 (4).
5. Section 59.
6. Subsection 60 (4).
7. Clause 105 (3) (e).
8. Section 106.
9. Sections 108 to 113.

(4) The following non-municipal drinking-water systems are prescribed for the purposes of the definition of “regulated non-municipal drinking-water system” in subsection 2 (1) of the Act and for the purposes of subsection 12 (1) of the Act:

1. Non-municipal year-round residential systems.
2. Large non-municipal non-residential systems.

(5) The following non-municipal drinking-water systems are prescribed for the purposes of the definition of “regulated non-municipal drinking-water system” in subsection 2 (1) of the Act and for the purposes of subsection 52 (2) and section 114 of the Act:

1. Non-municipal year-round residential systems.
2. Non-municipal seasonal residential systems.

Commencement

3. This Regulation comes into force on the day subsection 2 (1) of the *Safe Drinking Water Act, 2002* comes into force.

20/03

ONTARIO REGULATION 172/03

made under the

SAFE DRINKING WATER ACT, 2002

Made: May 2, 2003
Filed: May 2, 2003

DEFINITIONS OF “DEFICIENCY” AND “MUNICIPAL DRINKING-WATER SYSTEM”

“Deficiency”

1. A violation of any of the following provisions is prescribed as a deficiency for the purposes of the Act, including the definition of “deficiency” in subsection 2 (1) of the Act, if, in the opinion of the Director, the violation poses a drinking-water health hazard:

2. Schedules 1, 2 and 6 to 18 to Ontario Regulation 170/03 (Drinking-Water Systems).

"Municipal Drinking-Water System"

2. The following class is prescribed for the purposes of clause (d) of the definition of "municipal drinking-water system" in subsection 2 (1) of the Act:

1. A drinking-water system or part of a drinking-water system that serves a major residential development and is established after this Regulation comes into force under an agreement with a municipality pursuant to Part VI of the *Planning Act*, if the agreement provides that ownership of the system may be transferred to the municipality, a municipal service board established under section 195 of the *Municipal Act, 2001* or a corporation established under section 203 of the *Municipal Act, 2001*.

Commencement

3. This Regulation comes into force on the day subsection 2 (1) of the *Safe Drinking Water Act, 2002* comes into force.

CHRIS STOCKWELL
Minister of the Environment

Dated on May 2, 2003.

20/03

ONTARIO REGULATION 173/03

made under the

SAFE DRINKING WATER ACT, 2002

Made: April 24, 2003

Filed: May 2, 2003

SCHOOLS, PRIVATE SCHOOLS AND DAY NURSERIES

Interpretation

1. (1) In this Regulation,

"day nursery" means a day nursery as defined in the *Day Nurseries Act*;

"private school" means a private school as defined in the *Education Act*;

"school" means a school as defined in the *Education Act*.

(2) For the purposes of this Regulation, a school or private school is open on a day if, at any time during that day, programs for children under 18 years of age are held at the school or private school.

(3) For the purposes of this Regulation, a day nursery is open on a day if, at any time during that day, any of the children cared for are present in the day nursery.

Weekly flushing

2. (1) The operator of a school, private school or day nursery shall ensure that,

(a) the plumbing is flushed on the first day that the school, private school or day nursery is open in each week;

(b) the flushing continues until the temperature of the water stabilizes; and

(c) the flushing is completed before the school, private school or day nursery opens for the day.

(2) For the purpose of clause (1) (a), plumbing may be flushed by opening the last cold water tap on each branch or each run of pipe in the plumbing.

Records

3. (1) The operator of a school, private school or day nursery shall ensure that a record is made of the date and time of every flushing required by section 2 and the name of the person who performed the flushing.

(2) The operator of the school, private school or day nursery shall ensure that every record made under subsection (1) is kept for at least five years.

Exemption

4. This Regulation does not apply to a school, private school or day nursery that obtains water from a drinking-water system if the exemption provided by section 8 of Ontario Regulation 170/03 (Drinking-Water Systems) applies to the system.

Commencement

5. This Regulation comes into force on the day subsection 11 (1) of the *Safe Drinking Water Act, 2002* comes into force.

20/03

ONTARIO REGULATION 174/03
made under the
ONTARIO WATER RESOURCES ACT

Made: April 24, 2003
Filed: May 2, 2003

Amending O. Reg. 525/98
(Approval Exemptions)

Note: Ontario Regulation 525/98 has not previously been amended.

1. Ontario Regulation 525/98 is amended by adding the following section:

1.1 Section 52 of the Act does not apply to the following water works:

1. A water works that is a municipal drinking-water system within the meaning of the *Safe Drinking Water Act, 2002*.
2. A water works that is a non-municipal drinking-water system within the meaning of the *Safe Drinking Water Act, 2002*.

2. This Regulation comes into force on the day subsection 11 (1) of the *Safe Drinking Water Act, 2002* comes into force.

20/03

ONTARIO REGULATION 175/03
made under the
ONTARIO WATER RESOURCES ACT

Made: April 24, 2003
Filed: May 2, 2003

Revoking O. Reg. 459/00
(Drinking Water Protection — Larger Water Works)

1. Ontario Regulations 459/00, 506/01 and 213/02 are revoked.

2. This Regulation comes into force on the day subsection 11 (1) of the *Safe Drinking Water Act, 2002* comes into force.

20/03

made under the
ONTARIO WATER RESOURCES ACT

Made: April 24, 2003
Filed: May 2, 2003

Revoking O. Reg. 505/01
(Drinking Water Protection — Smaller Water Works Serving Designated Facilities)

1. Ontario Regulation 505/01 is revoked.

2. This Regulation comes into force on the day subsection 11 (1) of the *Safe Drinking Water Act, 2002* comes into force.

20/03

ONTARIO REGULATION 177/03
made under the
ONTARIO WATER RESOURCES ACT

Made: April 24, 2003
Filed: May 2, 2003

Amending O. Reg. 435/93
(Water Works and Sewage Works)

Note: Ontario Regulation 435/93 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 2 (1) of Ontario Regulation 435/93 is amended by adding the following clause:

(a.1) water works that are part of,

- (i) a large municipal residential system,
- (ii) a small municipal residential system,
- (iii) a large municipal non-residential system,
- (iv) a non-municipal year-round residential system, or
- (v) a large non-municipal non-residential system,

as those systems are defined in Ontario Regulation 170/03 (Drinking-Water Systems) made under the *Safe Drinking Water Act, 2002*;

2. This Regulation comes into force on the day subsection 11 (1) of the *Safe Drinking Water Act, 2002* comes into force.

20/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—05—24

ONTARIO REGULATION 178/03

made under the

HIGHWAY TRAFFIC ACT

Made: April 29, 2003

Filed: May 5, 2003

Amending O. Reg. 510/99
(Community Safety Zones)

Note: Since the end of 2002, Ontario Regulation 510/99 has been amended by Ontario Regulations 46/03 and 87/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 510/99 is amended by adding the following Schedule:

SCHEDULE 10

MUNICIPALITY OF TEMAGAMI

1. (1) That part of the King's Highway known as No. 11 in the Municipality of Temagami in the Territorial District of Nipissing lying between a point situate 85 metres measured southerly from its intersection with the centre line of the roadway known as Lakeshore Drive and a point situate 125 metres measured northerly from its intersection with the centre line of the roadway known as Second Avenue West.

(2) This designation is effective 24 hours a day, seven days a week and every month of the year.

ROBERT W. RUNCIMAN
Minister of Public Safety and Security

Dated on April 29, 2003.

21/03

ONTARIO REGULATION 179/03

made under the

HEALTH INSURANCE ACT

Made: May 1, 2003

Filed: May 5, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03, 62/03 and 86/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "schedule of benefits" in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

7. Amendments dated September 1, 2003.

2. This Regulation comes into force on September 1, 2003.

21/03

ONTARIO REGULATION 180/03

made under the

TERRITORIAL DIVISION ACT, 2002

Made: May 1, 2003

Filed: May 5, 2003

DIVISION OF ONTARIO INTO GEOGRAPHIC AREAS

Division into geographic areas

1. Ontario is divided into the geographic areas named and described in Schedules 1 and 2.

Deeming provision re: single-tier municipalities

2. For the purpose of any Act or regulation, unless otherwise provided in the Act or regulation, a single-tier municipality that is within a geographic area described in Schedule 1 is, for geographic purposes, deemed to be within the upper-tier municipality that is within the same geographic area.

Counties

3. Unless otherwise provided, for the purpose of any Act or regulation that refers to a county named in Column 1 of Schedule 3, the county consists of the geographic area of the municipalities set out in Column 2 of Schedule 3 opposite the name of the county.

French Language Services Act

4. Nothing in this Regulation affects the geographic areas to which the Schedule to the *French Language Services Act* applies on the day this Regulation comes into force.

Pay Equity Act

5. Geographic areas mentioned in Schedules 1 and 2 are prescribed as geographic areas to which the definition of "geographic division" in subsection 1 (1) of the *Pay Equity Act* applies, except,
 - (a) Leeds and Grenville, Prescott and Russell, and Stormont, Dundas and Glengarry are not geographic areas that fall within that definition; and
 - (b) the counties mentioned in Column 1 of Schedule 3 are geographic areas that fall within that definition.

Commencement

6. (1) Subject to subsection (2), this Regulation comes into force the day it is filed.
- (2) Section 5 comes into force on the day that section 20 of Schedule C to the *Municipal Statute Law Amendment Act, 2002* comes into force.

SCHEDULE 1

GEOGRAPHIC AREAS (EXCLUDING TERRITORIAL DISTRICTS)

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
BRANT	Consisting of the geographic area of the single-tier municipalities of Brant and Brantford.
BRUCE	Consisting of the geographic area of the upper-tier municipality of Bruce which is composed of the lower-tier municipalities of, Arran-Elderslie, Brockton, Huron-Kinloss, Kincardine, Northern Bruce Peninsula, Saugeen Shores, South Bruce, South Bruce Peninsula.
CHATHAM-KENT	Consisting of the geographic area of the single-tier municipality of Chatham-Kent.
DUFFERIN	Consisting of the geographic area of the upper-tier municipality of Dufferin which is composed of the lower-tier municipalities of, Amaranth,

Name of Geographic Area	Description of Geographic Area
	East Garafraxa, East Luther Grand Valley, Melancthon, Mono, Mulmur, Orangeville, Shelburne.
DURHAM	Consisting of the geographic area of the upper-tier municipality of Durham which is composed of the lower-tier municipalities of, Ajax, Brock, Clarington, Oshawa, Pickering, Scugog, Uxbridge, Whitby.
ELGIN	Consisting of the geographic area of, (a) the upper-tier municipality of Elgin which is composed of the lower-tier municipalities of, Aylmer, Bayham, Central Elgin, Dutton-Dunwich, Malahide, Southwold, West Elgin; and (b) the single-tier municipality of St. Thomas.
ESSEX	Consisting of the geographic area of, (a) the upper-tier municipality of Essex which is composed of the lower-tier municipalities of, Amherstburg, Essex, Kingsville, LaSalle, Lakeshore, Leamington, Tecumseh; (b) the single-tier municipality of Windsor; and (c) the single-tier municipality of Pelee including Middle Sister Island, North Harbour Island, East Sister Island, Hen Island, Big Chicken Island, Little Chicken Island, and Middle Island together with all lands and water in Lake Erie within one mile of the shore of Pelee Island.
FRONTENAC	Consisting of the geographic area of, (a) the upper-tier municipality of Frontenac Management Board which is composed of the lower-tier municipalities of, Central Frontenac, Frontenac Islands, North Frontenac, South Frontenac; and (b) the single-tier municipality of Kingston.
GREY	Consisting of the geographic area of the upper-tier municipality of Grey which is composed of the lower-tier municipalities of, Chatsworth, Georgian Bluffs, Grey Highlands, Hanover, Meaford, Owen Sound,

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
	Southgate, The Blue Mountains, West Grey.
HALDIMAND	Consisting of the geographic area of the single-tier municipality of Haldimand County.
HALIBURTON	Consisting of the geographic area of the upper-tier municipality of Haliburton which is composed of the following four lower-tier municipalities, namely, <ul style="list-style-type: none"> (a) Algonquin Highlands; (b) Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde; (c) Highlands East; and (d) Minden Hills.
HALTON	Consisting of the geographic area of the upper-tier municipality of Halton which is composed of the lower-tier municipalities of, Burlington, Halton Hills, Milton, Oakville.
HAMILTON	Consisting of the geographic area of the single-tier municipality of Hamilton.
HASTINGS	Consisting of the geographic area of, <ul style="list-style-type: none"> (a) the upper-tier municipality of Hastings which is composed of the lower-tier municipalities of, Bancroft, Carlow/Mayo, Centre Hastings, Deseronto, Faraday, Hastings Highlands, Limerick, Madoc, Marmora and Lake, Stirling-Rawdon, Tudor and Cashel, Tweed, Tyendinaga, Wollaston; and (b) the single-tier municipalities of Belleville and Quinte West.
HURON	Consisting of the geographic area of the upper-tier municipality of Huron which is composed of the lower-tier municipalities of, Ashfield-Colborne-Wawanosh, Bluewater, Central Huron, Goderich, Howick, Huron East, Morris-Turnberry, North Huron, South Huron.
KAWARTHA LAKES	Consisting of the geographic area of the single-tier municipality of Kawartha Lakes.
LAMBTON	Consisting of the geographic area of the upper-tier municipality of Lambton which is composed of the lower-tier municipalities of, Brooke-Alvinston, Dawn-Euphemia, Enniskillen, Lambton Shores, Oil Springs, Petrolia, Plympton-Wyoming, Point Edward,

Name of Geographic Area	Description of Geographic Area
	St. Clair, Sarnia, Warwick.
LANARK	Consisting of the geographic area of, (a) the upper-tier municipality of Lanark which is composed of the lower-tier municipalities of, Beckwith, Carleton Place, Drummond-North Elmsley, Lanark Highlands, Mississippi Mills, Montague, Perth, Tay Valley; and (b) the single-tier municipality of Smiths Falls.
LEEDS AND GRENVILLE	Consisting of the geographic area of, (a) the upper-tier municipality of Leeds and Grenville which is composed of the lower-tier municipalities of, Athens, Augusta, Edwardsburgh/Cardinal, Elizabethtown-Kitley, Front of Yonge, Leeds and the Thousand Islands, Merrickville-Wolford, North Grenville, Rideau Lakes, Westport; and (b) the single-tier municipalities of, Brockville, Gananoque, Prescott.
LENNOX AND ADDINGTON	Consisting of the geographic area of the upper-tier municipality of Lennox and Addington which is composed of the lower-tier municipalities of, Addington Highlands, Greater Napanee, Loyalist, Stone Mills.
MIDDLESEX	Consisting of the geographic area of, (a) the upper-tier municipality of Middlesex which is composed of the lower-tier municipalities of, Adelaide Metcalfe, Lucan Biddulph, Middlesex Centre, Newbury, North Middlesex, South Middlesex, Strathroy-Caradoc, Thames Centre; and (b) the single-tier municipality of London.
NIAGARA	Consisting of the geographic area of the upper-tier municipality of Niagara which is composed of the lower-tier municipalities of, Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne,

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
	St. Catharines, Thorold, Wainfleet, Welland, West Lincoln.
NORFOLK	Consisting of the geographic area of the single-tier municipality of Norfolk County.
NORTHUMBERLAND	Consisting of the geographic area of the upper-tier municipality of Northumberland which is composed of the lower-tier municipalities of, Alnwick/Haldimand, Brighton, Cobourg, Cramahe, Hamilton, Port Hope, Trent Hills.
OTTAWA	Consisting of the geographic area of the single-tier municipality of Ottawa.
OXFORD	Consisting of the geographic area of the upper-tier municipality of Oxford which is composed of the lower-tier municipalities of, Blandford-Blenheim, East Zorra-Tavistock, Ingersoll, Norwich, South-West Oxford, Tillsonburg, Woodstock, Zorra.
PEEL	Consisting of the geographic area of the upper-tier municipality of Peel which is composed of the lower-tier municipalities of, Brampton, Caledon, Mississauga.
PERTH	Consisting of the geographic area of, (a) the upper-tier municipality of Perth which is composed of the lower-tier municipalities of, North Perth, Perth East, Perth South, West Perth; and (b) the single-tier municipalities of St. Marys and Stratford.
PETERBOROUGH	Consisting of the geographic area of, (a) the upper-tier municipality of Peterborough which is composed of the lower-tier municipalities of, Asphodel-Norwood, Cavan-Millbrook-North Monaghan, Douro-Dummer, Galway-Cavendish-Harvey, Havelock-Belmont-Methuen, North Kawartha, Otonabee-South Monaghan, Smith-Ennismore-Lakefield; and (b) the single-tier municipality of Peterborough.
PRESCOTT AND RUSSELL	Consisting of the geographic area of the upper-tier municipality of Prescott and Russell which is composed of the lower-tier municipalities of, Alfred and Plantagenet, Casselman, Champlain, Clarence-Rockland, East Hawkesbury, Hawkesbury, Russell, The Nation.

Name of Geographic Area	Description of Geographic Area
PRINCE EDWARD	Consisting of the geographic area of the single-tier municipality of Prince Edward.
RENFREW	<p>Consisting of the geographic area of,</p> <p>(a) the upper-tier municipality of Renfrew which is composed of the lower-tier municipalities of, Admaston/Bromley, Amprior, Bonnechere Valley, Brudenell, Lyndoch and Raglan, Deep River, Greater Madawaska, Head, Clara and Maria, Horton, Killaloe, Hagarty and Richards, Laurentian Hills, Laurentian Valley, Madawaska Valley, McNab-Braeside, North Algona Wilberforce, Petawawa, Renfrew, Whitewater Region; and</p> <p>(b) the single-tier municipality of Pembroke.</p>
SIMCOE	<p>Consisting of the geographic area of,</p> <p>(a) the upper-tier municipality of Simcoe which is composed of the lower-tier municipalities of, Adjala-Tosorontio, Bradford West Gwillimbury, Clearview, Collingwood, Essa, Innisfil, Midland, New Tecumseth, Oro-Medonte, Penetanguishene, Ramara, Severn, Springwater, Tay, Tiny, Wasaga Beach; and</p> <p>(b) the single-tier municipalities of Barrie and Orillia.</p>
STORMONT, DUNDAS AND GLENGARRY	<p>Consisting of the geographic area of,</p> <p>(a) the upper-tier municipality of Stormont, Dundas and Glengarry which is composed of the lower-tier municipalities of, North Dundas, North Glengarry, North Stormont, South Dundas, South Glengarry, South Stormont; and</p> <p>(b) the single-tier municipality of Cornwall.</p>
TORONTO	Consisting of the geographic area of the single-tier municipality of Toronto.

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
WATERLOO	Consisting of the geographic area of the upper-tier municipality of Waterloo which is composed of the lower-tier municipalities of, Cambridge, Kitchener, North Dumfries, Waterloo, Wellesley, Wilmot, Woolwich.
WELLINGTON	Consisting of the geographic area of, (a) the upper-tier municipality of Wellington which is composed of the lower-tier municipalities of, Centre Wellington, Erin, Guelph/Eramosa, Mapleton, Minto, Puslinch, Wellington North; and (b) the single-tier municipality of Guelph.
YORK	Consisting of the geographic area of the upper-tier municipality of York which is composed of the lower-tier municipalities of, Aurora, East Gwillimbury, Georgina, King, Markham, Newmarket, Richmond Hill, Vaughan, Whitchurch-Stouffville.

SCHEDULE 2

GEOGRAPHIC AREAS
(TERRITORIAL DISTRICTS)

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
ALGOMA	Consisting of the geographic area of the Territorial District of Algoma which consists of, (a) the single-tier municipalities of, Blind River, Bruce Mines, Dubreuilville, Elliot Lake, Hilton, Hilton Beach, Hornepayne, Huron Shores, Jocelyn, Johnson, Laird, Macdonald, Meredith and Aberdeen Additional, Michipicoten, Plummer Additional, Prince, Sault Ste. Marie, Shedden, St. Joseph, Tarbutt and Tarbutt Additional, The North Shore, Thessalon,

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
	White River; and
	(b) the geographic townships and the remaining territory set out in clause (e) of paragraph 42 of the Schedule to the <i>Territorial Division Act</i> , as that clause read on December 31, 2002, excluding the geographic township of Tennyson.
COCHRANE	<p>Consisting of the geographic area of the Territorial District of Cochrane which consists of,</p> <p>(a) the single-tier municipalities of, Black River-Matheson, Cochrane, Fauquier-Strickland, Hearst, Iroquois Falls, Kapuskasung, Mattice-Val Cote, Moonbeam, Moosonee, Opasatika, Smooth Rock Falls, Timmins, Val Rita-Harty; and</p> <p>(b) the geographic townships and the remaining territory set out in clause (d) of paragraph 43 of the Schedule to the <i>Territorial Division Act</i>, as that clause read on December 31, 2002, and the geographic townships of Caron, Horden and Moose.</p>
KENORA	<p>Consisting of the geographic area of the Territorial District of Kenora which consists of,</p> <p>(a) the single-tier municipalities of, Dryden, Ear Falls, Ignace, Kenora, Machin, Pickle Lake, Red Lake, Sioux Lookout, Sioux Narrows-Nestor Falls; and</p> <p>(b) the geographic townships and the remaining territory set out in clauses (c) and (d) of paragraph 44 of the Schedule to the <i>Territorial Division Act</i>, as those clauses read on December 31, 2002, excluding those islands and parts of islands annexed to the Township of Lake of the Woods and described as being in Lake of the Woods in the District of Kenora by a Minister's order dated December 17, 1997 and published in <i>The Ontario Gazette</i> on January 10, 1998; and</p> <p>(c) the geographic townships of Claxton, Croome and Mathieu.</p>
MANITOULIN	<p>Consisting of the geographic area of the Territorial District of Manitoulin which consists of,</p> <p>(a) the single-tier municipalities of, Assiginack, Barrie Island, Billings, Burpee and Mills, Central Manitoulin, Cockburn Island, Gordon, Gore Bay, Northeastern Manitoulin and the Islands, Tehkummah; and</p>

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
	(b) the geographic townships and the remaining territory set out in clause (c) of paragraph 45 of the Schedule to the <i>Territorial Division Act</i> , as that clause read on December 31, 2002, excluding the islands annexed to the Municipality of Killarney as described in a Minister's order dated May 1, 2000 and published in <i>The Ontario Gazette</i> on May 20, 2000 and that portion of the District of Manitoulin, as it existed on December 31, 2002, that was annexed to the Municipality of Killarney by a Minister's order dated October 31, 1998 and published in <i>The Ontario Gazette</i> on November 21, 1998.
MUSKOKA	Consisting of the geographic area of the Territorial District of Muskoka which consists of the upper-tier municipality of Muskoka which is composed of the lower-tier municipalities of, Bracebridge, Georgian Bay, Gravenhurst, Huntsville, Lake of Bays, Muskoka Lakes.
NIPISSING	Consisting of the geographic area of the Territorial District of Nipissing which consists of, (a) the single-tier municipalities of, Bonfield, Calvin, Chisholm, East Ferris, Mattawa, Mattawan, North Bay, Papineau-Cameron, South Algonquin, Temagami, West Nipissing; (b) the geographic townships and the remaining territory set out in clause (e) of paragraph 47 of the Schedule to the <i>Territorial Division Act</i> , as that clause read on December 31, 2002; and (c) the portion of the geographic township of Janes that was annexed to the Municipality of West Nipissing by a Minister's order dated August 15, 1997 and published in <i>The Ontario Gazette</i> on September 13, 1997.
PARRY SOUND	Consisting of the geographic area of the Territorial District of Parry Sound which consists of, (a) the single-tier municipalities of, Armour, Burk's Falls, Callander, Carling, Joly, Kearney, Machar, Magnetawan, McDougall, McKellar, McMurrich/Monteith, Nipissing, Parry Sound, Perry, Powassan, Ryerson, Seguin, South River, Strong, Sundridge, The Archipelago, Whitestone; and

Name of Geographic Area	Description of Geographic Area
	(b) the geographic townships and the remaining territory set out in clause (d) of paragraph 48 of the Schedule to the <i>Territorial Division Act</i> , as that clause read on December 31, 2002, excluding that portion of the District of Parry Sound, as it existed on December 31, 2002, that was annexed to the Municipality of Killarney by a Minister's order dated October 31, 1998 and published in <i>The Ontario Gazette</i> on November 21, 1998.
RAINY RIVER	<p>Consisting of the geographic area of the Territorial District of Rainy River which consists of,</p> <p>(a) the single-tier municipalities of, Alberton, Atikokan, Chapple, Dawson, Emo, Fort Frances, La Vallee, Lake of the Woods, Morley, Rainy River;</p> <p>(b) the geographic townships and the remaining territory set out in clause (c) of paragraph 49 of the Schedule to the <i>Territorial Division Act</i>, as that clause read on December 31, 2002, excluding the geographic townships of Claxton, Croome and Mathieu; and</p> <p>(c) those islands and parts of islands annexed to the Township of Lake of the Woods and described as being in Lake of the Woods in the District of Kenora by a Minister's order dated December 17, 1997 and published in <i>The Ontario Gazette</i> on January 10, 1998.</p>
SUDBURY	<p>Consisting of the geographic area of the Territorial District of Sudbury which consists of,</p> <p>(a) the single-tier municipalities of, Baldwin, Chapleau, Espanola, French River, Greater Sudbury, Killarney, Markstay-Warren, Nairn and Hyman, Sables-Spanish Rivers, St.-Charles;</p> <p>(b) the geographic townships and the remaining territory set out in clause (d) of paragraph 50 of the Schedule to the <i>Territorial Division Act</i>, as that clause read on December 31, 2002, excluding the portion of the geographic township of Janes that was annexed to the Municipality of West Nipissing by a Minister's order dated August 15, 1997 and published in <i>The Ontario Gazette</i> on September 13, 1997;</p> <p>(c) the islands annexed to the Municipality of Killarney as described in a Minister's order dated May 1, 2000 and published in <i>The Ontario Gazette</i> on May 20, 2000;</p> <p>(d) that portion of the District of Manitoulin, as it existed on December 31, 2002, that was annexed to the Municipality of Killarney by a Minister's order dated October 31, 1998 and published in <i>The Ontario Gazette</i> on November 21, 1998;</p> <p>(e) the geographic township of Tennyson; and</p> <p>(f) that portion of the District of Parry Sound, as it existed on December 31, 2002, that was annexed to the Municipality of Killarney by a Minister's order dated October 31, 1998 and published in <i>The Ontario Gazette</i> on November 21, 1998.</p>

COLUMN 1	COLUMN 2
Name of Geographic Area	Description of Geographic Area
THUNDER BAY	<p>Consisting of the geographic area of the Territorial District of Thunder Bay which consists of,</p> <p>(a) the single-tier municipalities of, Conmee, Dorion, Gillies, Greenstone, Manitouwadge, Marathon, Neebing, Nipigon, O'Connor, Oliver Paipoonge, Red Rock, Schreiber, Shuniah, Terrace Bay, Thunder Bay; and</p> <p>(b) the geographic townships and the remaining territory set out in clause (d) of paragraph 51 of the Schedule to the <i>Territorial Division Act</i>, as that clause read on December 31, 2002.</p>
TIMISKAMING	<p>Consisting of the geographic area of the Territorial District of Timiskaming which consists of,</p> <p>(a) the single-tier municipalities of, Armstrong, Brethour, Casey, Chamberlain, Charlton and Dack, Cobalt, Coleman, Dymond, Englehart, Evanturel, Gauthier, Haileybury, Harley, Harris, Hilliard, Hudson, James, Kerns, Kirkland Lake, Larder Lake, Latchford, Matachewan, McGarry, New Liskeard, Thornloe; and</p> <p>(b) the geographic townships and the remaining territory set out in clause (e) of paragraph 52 of the Schedule to the <i>Territorial Division Act</i>, as that clause read on December 31, 2002.</p>

MUNICIPALITIES WITHIN CERTAIN COUNTIES

COLUMN 1	COLUMN 2
Name of County	Local Municipalities Within County
DUNDAS	North Dundas, South Dundas
GLENGARRY	North Glengarry, South Glengarry
GRENVILLE	Augusta, Edwardsburgh/Cardinal, Merrickville-Wolford, North Grenville, Prescott
LEEDS	Athens, Brockville, Elizabethtown-Kitley, Front of Yonge, Gananoque, Leeds and the Thousand Islands, Rideau Lakes, Westport
PRESCOTT	Alfred and Plantagenet, Champlain, East Hawkesbury, Hawkesbury, That part of The Nation Municipality that consists of the former Village of St. Isidore and the former townships of Caledonia and South Plantagenet as those municipalities existed on December 31, 1997.
RUSSELL	Casselman, Clarence-Rockland, Russell, That part of The Nation Municipality that consists of the former Township of Cambridge as it existed on December 31, 1997.
STORMONT	Cornwall, North Stormont, South Stormont

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on May 1, 2003.

RÈGLEMENT DE L'ONTARIO 180/03

pris en application de la

LOI DE 2002 SUR LA DIVISION TERRITORIALE

pris le 1^{er} mai 2003
déposé le 5 mai 2003

DIVISION DE L'ONTARIO EN ZONES GÉOGRAPHIQUES

Division en zones géographiques

1. L'Ontario est divisé en les zones géographiques dont le nom figure et qui sont décrites aux annexes 1 et 2.

Disposition déterminative : municipalités à palier unique

2. Pour l'application de toute loi ou de tout règlement, sauf disposition à l'effet contraire de la loi ou du règlement concerné, une municipalité à palier unique qui est située dans une zone géographique décrite à l'annexe 1 est, aux fins géographiques, réputée faire partie de la municipalité de palier supérieur qui est située dans la même zone géographique.

Comtés

3. Sauf disposition à l'effet contraire, pour l'application de toute loi ou de tout règlement qui mentionne un comté dont le nom figure à la colonne 1 de l'annexe 3, le comté se compose de la zone géographique constituée des municipalités figurant à la colonne 2 de l'annexe en regard du nom du comté.

Loi sur les services en français

4. Le présent règlement n'a pas pour effet de porter atteinte aux régions géographiques auxquelles s'applique l'annexe de la *Loi sur les services en français* le jour de l'entrée en vigueur de celui-ci.

Loi sur l'équité salariale

5. Les zones géographiques figurant aux annexes 1 et 2 sont prescrites comme zones géographiques auxquelles s'applique la définition de «zone géographique» au paragraphe 1 (1) de la *Loi sur l'équité salariale*, sauf que :

- a) d'une part, Leeds et Grenville, Prescott et Russell et Stormont, Dundas et Glengarry ne sont pas des zones géographiques au sens de cette définition;
- b) d'autre part, les comtés figurant à la colonne 1 de l'annexe 3 sont des zones géographiques au sens de cette définition.

Entrée en vigueur

6. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le jour de son dépôt.

(2) L'article 5 entre en vigueur le jour de l'entrée en vigueur de l'article 20 de l'annexe C de la *Loi de 2002 modifiant des lois en ce qui a trait aux municipalités*.

ANNEXE 1

ZONES GÉOGRAPHIQUES
(SAUF LES DISTRICTS TERRITORIAUX)

COLONNE 1	COLONNE 2
Nom de la zone géographique	Description de la zone géographique
BRANT	Zone géographique constituée des municipalités à palier unique de Brant et de Brantford.
BRUCE	Zone géographique constituée de la municipalité de palier supérieur de Bruce, laquelle se compose des municipalités de palier inférieur suivantes : Arran-Elderslie, Brockton, Huron-Kinloss, Kincardine, Northern Bruce Peninsula, Saugeen Shores, South Bruce, South Bruce Peninsula.
CHATHAM-KENT	Zone géographique constituée de la municipalité à palier unique de Chatham-Kent.
DUFFERIN	Zone géographique constituée de la municipalité de palier supérieur de Dufferin, laquelle se compose des municipalités de palier inférieur suivantes : Amaranth, East Garafraxa, East Luther Grand Valley, Melancthon, Mono, Mulmur, Orangeville, Shelburne.
DURHAM	Zone géographique constituée de la municipalité de palier supérieur de Durham, laquelle se compose des municipalités de palier inférieur suivantes : Ajax, Brock, Clarington, Oshawa, Pickering, Scugog, Uxbridge, Whitby.

Nom de la zone géographique	Description de la zone géographique
ELGIN	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur d'Elgin, laquelle se compose des municipalités de palier inférieur suivantes : Aylmer, Bayham, Central Elgin, Dutton-Dunwich, Malahide, Southwold, West Elgin;</p> <p>b) la municipalité à palier unique de St. Thomas.</p>
ESSEX	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur d'Essex, laquelle se compose des municipalités de palier inférieur suivantes : Amherstburg, Essex, Kingsville, LaSalle, Lakeshore, Leamington, Tecumseh;</p> <p>b) la municipalité à palier unique de Windsor;</p> <p>c) la municipalité à palier unique de Pelee, y compris les îles Middle Sister, North Harbour, East Sister, Hen, Big Chicken, Little Chicken et Middle ainsi que les terres et les eaux du lac Érié situées à l'intérieur de la limite de un mille de la rive de l'île Pelée.</p>
FRONTENAC	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur du conseil de gestion de Frontenac, laquelle se compose des municipalités de palier inférieur suivantes : Central Frontenac, Frontenac Islands, North Frontenac, South Frontenac;</p> <p>b) la municipalité à palier unique de Kingston.</p>
GREY	<p>Zone géographique constituée de la municipalité de palier supérieur de Grey, laquelle se compose des municipalités de palier inférieur suivantes : Chatsworth, Georgian Bluffs, Grey Highlands, Hanover, Meaford, Owen Sound, Southgate, The Blue Mountains, West Grey.</p>
HALDIMAND	<p>Zone géographique constituée de la municipalité à palier unique de Haldimand County.</p>
HALIBURTON	<p>Zone géographique constituée de la municipalité de palier supérieur de Haliburton, laquelle se compose des quatre municipalités de palier inférieur suivantes :</p> <p>a) Algonquin Highlands;</p> <p>b) Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde;</p> <p>c) Highlands East;</p> <p>d) Minden Hills.</p>

COLONNE 1	COLONNE 2
Nom de la zone géographique	Description de la zone géographique
HALTON	Zone géographique constituée de la municipalité de palier supérieur de Halton, laquelle se compose des municipalités de palier inférieur suivantes : Burlington, Halton Hills, Milton, Oakville.
HAMILTON	Zone géographique constituée de la municipalité à palier unique de Hamilton.
HASTINGS	Zone géographique constituée de ce qui suit : a) la municipalité de palier supérieur de Hastings, laquelle se compose des municipalités de palier inférieur suivantes : Bancroft, Carlow/Mayo, Centre Hastings, Deseronto, Faraday, Hastings Highlands, Limerick, Madoc, Marmora and Lake, Stirling-Rawdon, Tudor and Cashel, Tweed, Tyendinaga, Wollaston; b) les municipalités à palier unique de Belleville et de Quinte West.
HURON	Zone géographique constituée de la municipalité de palier supérieur de Huron, laquelle se compose des municipalités de palier inférieur suivantes : Ashfield-Colborne-Wawanosh, Bluewater, Central Huron, Goderich, Howick, Huron East, Morris-Turnberry, North Huron, South Huron.
KAWARTHA LAKES	Zone géographique constituée de la municipalité à palier unique de Kawartha Lakes.
LAMBTON	Zone géographique constituée de la municipalité de palier supérieur de Lambton, laquelle se compose des municipalités de palier inférieur suivantes : Brooke-Alvinston, Dawn-Euphemia, Enniskillen, Lambton Shores, Oil Springs, Petrolia, Plympton-Wyoming, Point Edward, St. Clair, Sarnia, Warwick.
LANARK	Zone géographique constituée de ce qui suit : a) la municipalité de palier supérieur de Lanark, laquelle se compose des municipalités de palier inférieur suivantes : Beckwith, Carleton Place, Drummond-North Elmsley, Lanark Highlands, Mississippi Mills, Montague, Perth, Tay Valley; b) la municipalité à palier unique de Smiths Falls.

Nom de la zone géographique	Description de la zone géographique
LEEDS ET GRENVILLE	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur de Leeds et Grenville, laquelle se compose des municipalités de palier inférieur suivantes : Athens, Augusta, Edwardsburgh/Cardinal, Elizabethtown-Kitley, Front of Yonge, Leeds and the Thousand Islands, Merrickville-Wolford, North Grenville, Rideau Lakes, Westport;</p> <p>b) les municipalités à palier unique suivantes : Brockville, Gananoque, Prescott.</p>
LENNOX ET ADDINGTON	<p>Zone géographique constituée de la municipalité de palier supérieur de Lennox and Addington, laquelle se compose des municipalités de palier inférieur suivantes : Addington Highlands, Greater Napanee, Loyalist, Stone Mills.</p>
MIDDLESEX	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur de Middlesex, laquelle se compose des municipalités de palier inférieur suivantes : Adelaide Metcalfe, Lucan Biddulph, Middlesex Centre, Newbury, North Middlesex, South Middlesex, Strathroy-Caradoc, Thames Centre;</p> <p>b) la municipalité à palier unique de London.</p>
NIAGARA	<p>Zone géographique constituée de la municipalité de palier supérieur de Niagara, laquelle se compose des municipalités de palier inférieur suivantes : Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland, West Lincoln.</p>
NORFOLK	<p>Zone géographique constituée de la municipalité à palier unique de Norfolk County.</p>
NORTHUMBERLAND	<p>Zone géographique constituée de la municipalité de palier supérieur de Northumberland, laquelle se compose des municipalités de palier inférieur suivantes : Alnwick/Haldimand, Brighton, Cobourg, Cramahe, Hamilton, Port Hope, Trent Hills.</p>

COLONNE 1	COLONNE 2
Nom de la zone géographique	Description de la zone géographique
OTTAWA	Zone géographique constituée de la municipalité à palier unique d'Ottawa.
OXFORD	Zone géographique constituée de la municipalité de palier supérieur d'Oxford, laquelle se compose des municipalités de palier inférieur suivantes : Blandford-Blenheim, East Zorra-Tavistock, Ingersoll, Norwich, South-West Oxford, Tillsonburg, Woodstock, Zorra.
PEEL	Zone géographique constituée de la municipalité de palier supérieur de Peel, laquelle se compose des municipalités de palier inférieur suivantes : Brampton, Caledon, Mississauga.
PERTH	Zone géographique constituée de ce qui suit : a) la municipalité de palier supérieur de Perth, laquelle se compose des municipalités de palier inférieur suivantes : North Perth, Perth East, Perth South, West Perth; b) les municipalités à palier unique de St. Marys et de Stratford.
PETERBOROUGH	Zone géographique constituée de ce qui suit : a) la municipalité de palier supérieur de Peterborough, laquelle se compose des municipalités de palier inférieur suivantes : Asphodel-Norwood, Cavan-Millbrook-North Monaghan, Douro-Dummer, Galway-Cavendish-Harvey, Havelock-Belmont-Methuen, North Kawartha, Otonabee-South Monaghan, Smith-Ennismore-Lakefield; b) la municipalité à palier unique de Peterborough.
PRESCOTT ET RUSSELL	Zone géographique constituée de la municipalité de palier supérieur de Prescott et Russell, laquelle se compose des municipalités de palier inférieur suivantes : Alfred and Plantagenet, Casselman, Champlain, Clarence-Rockland, East Hawkesbury, Hawkesbury, La Nation, Russell.
PRINCE EDWARD	Zone géographique constituée de la municipalité à palier unique de Prince Edward.
RENFREW	Zone géographique constituée de ce qui suit : a) la municipalité de palier supérieur de Renfrew, laquelle se compose des municipalités de palier inférieur suivantes : Admaston/Bromley, Arnprior, Bonnechere Valley, Brudenell, Lyndoch and Raglan, Deep River, Greater Madawaska, Head, Clara and Maria, Horton, Killaloe, Hagarty and Richards, Laurentian Hills,

Nom de la zone géographique	Description de la zone géographique
	<p>Laurentian Valley, Madawaska Valley, McNab-Braeside, North Algona Wilberforce, Petawawa, Renfrew, Whitewater Region;</p> <p>b) la municipalité à palier unique de Pembroke.</p>
SIMCOE	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur de Simcoe, laquelle se compose des municipalités de palier inférieur suivantes : Adjala-Tosorontio, Bradford West Gwillimbury, Clearview, Collingwood, Essa, Innisfil, Midland, New Tecumseth, Oro-Medonte, Penetanguishene, Ramara, Severn, Springwater, Tay, Tiny, Wasaga Beach;</p> <p>b) les municipalités à palier unique de Barrie et d'Orillia.</p>
STORMONT, DUNDAS ET GLEN GARRY	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur de Stormont, Dundas et Glengarry, laquelle se compose des municipalités de palier inférieur suivantes : North Dundas, North Glengarry, North Stormont, South Dundas, South Glengarry, South Stormont;</p> <p>b) la municipalité à palier unique de Cornwall.</p>
TORONTO	Zone géographique constituée de la municipalité à palier unique de Toronto.
WATERLOO	<p>Zone géographique constituée de la municipalité de palier supérieur de Waterloo, laquelle se compose des municipalités de palier inférieur suivantes : Cambridge, Kitchener, North Dumfries, Waterloo, Wellesley, Wilmot, Woolwich.</p>
WELLINGTON	<p>Zone géographique constituée de ce qui suit :</p> <p>a) la municipalité de palier supérieur de Wellington, laquelle se compose des municipalités de palier inférieur suivantes : Centre Wellington, Erin, Guelph/Eramosa, Mapleton, Minto, Puslinch, Wellington North;</p> <p>b) la municipalité à palier unique de Guelph.</p>

COLONNE 1	COLONNE 2
Nom de la zone géographique	Description de la zone géographique
YORK	Zone géographique constituée de la municipalité de palier supérieur de York, laquelle se compose des municipalités de palier inférieur suivantes : Aurora, East Gwillimbury, Georgina, King, Markham, Newmarket, Richmond Hill, Vaughan, Whitchurch-Stouffville.

ANNEXE 2

ZONES GÉOGRAPHIQUES
(DISTRICTS TERRITORIAUX)

COLONNE 1	COLONNE 2
Nom de la zone géographique	Description de la zone géographique
ALGOMA	Zone géographique constituée du district territorial d'Algoma, lequel se compose de ce qui suit : a) les municipalités à palier unique suivantes : Blind River, Bruce Mines, Dubreuilville, Elliot Lake, Hilton, Hilton Beach, Hornepayne, Huron Shores, Jocelyn, Johnson, Laird, Macdonald, Meredith and Aberdeen Additional, Michipicoten, Plummer Additional, Prince, Sault Ste. Marie, Shedden, St. Joseph, Tarbutt and Tarbutt Additional, The North Shore, Thessalon, White River; b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa e) de la disposition 42 de l'annexe de la <i>Loi sur la division territoriale</i> , tel que cet alinéa existait le 31 décembre 2002, sauf le canton géographique de Tennyson.
COCHRANE	Zone géographique constituée du district territorial de Cochrane, lequel se compose de ce qui suit : a) les municipalités à palier unique suivantes : Black River-Matheson, Cochrane, Fauquier-Strickland, Hearst, Iroquois Falls, Kapuskasing, Mattice-Val Cote, Moonbeam, Moosonee, Opasatika, Smooth Rock Falls, Timmins, Val Rita-Harty;

Nom de la zone géographique	Description de la zone géographique
	<p>b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa d) de la disposition 43 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002, ainsi que les cantons géographiques de Caron, de Horden et de Moose.</p>
KENORA	<p>Zone géographique constituée du district territorial de Kenora, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes : Dryden, Ear Falls, Ignace, Kenora, Machin, Pickle Lake, Red Lake, Sioux Lookout, Sioux Narrows-Nestor Falls;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit aux alinéas c) et d) de la disposition 44 de l'annexe de la <i>Loi sur la division territoriale</i>, tels que ces alinéas existaient le 31 décembre 2002, sauf les îles et parties d'îles annexées au canton de Lake of the Woods décrites comme étant situées dans Lake of the Woods, dans le district de Kenora, par arrêté du ministre daté du 17 décembre 1997 et publié dans la <i>Gazette de l'Ontario</i> du 10 janvier 1998;</p> <p>c) les cantons géographiques de Claxton, de Croome et de Mathieu.</p>
MANITOULIN	<p>Zone géographique constituée du district territorial de Manitoulin, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes : Assiginack, Barrie Island, Billings, Burpee and Mills, Central Manitoulin, Cockburn Island, Gordon, Gore Bay, Northeastern Manitoulin and the Islands, Tehkummah;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa c) de la disposition 45 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002, sauf les îles annexées à la municipalité de Killamey décrites dans un arrêté du ministre daté du 1^{er} mai 2000 et publié dans la <i>Gazette de l'Ontario</i> du 20 mai 2000 et la partie du district de Manitoulin, tel qu'il existait le 31 décembre 2002, qui a été annexée à la municipalité de Killamey par arrêté du ministre daté du 31 octobre 1998 et publié dans la <i>Gazette de l'Ontario</i> du 21 novembre 1998.</p>
MUSKOKA	<p>Zone géographique constituée du district territorial de Muskoka, lequel se compose de la municipalité de palier supérieur de Muskoka, laquelle se compose des municipalités de palier inférieur suivantes : Bracebridge, Georgian Bay, Gravenhurst, Huntsville, Lake of Bays, Muskoka Lakes.</p>
NIPISSING	<p>Zone géographique constituée du district territorial de Nipissing, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes : Bonfield, Calvin,</p>

COLONNE 1	COLONNE 2
Nom de la zone géographique	Description de la zone géographique
	<p>Chisholm, East Ferris, Mattawa, Mattawan, Nipissing Ouest, North Bay, Papineau-Cameron, South Algonquin, Temagami;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa c) de la disposition 47 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002;</p> <p>c) la partie du canton géographique de Janes qui a été annexée à la municipalité de Nipissing Ouest par arrêté du ministre daté du 15 août 1997 et publié dans la <i>Gazette de l'Ontario</i> du 13 septembre 1997.</p>
PARRY SOUND	<p>Zone géographique constituée du district territorial de Parry Sound, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes :</p> <p>Armour, Burk's Falls, Callander, Carling, Joly, Kearney, Machar, Magnetawan, McDougall, McKellar, McMurrich/Monteith, Nipissing, Parry Sound, Perry, Powassan, Ryerson, Seguin, South River, Strong, Sundridge, The Archipelago, Whitstone;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa d) de la disposition 48 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002, sauf la partie du district de Parry Sound, tel qu'il existait le 31 décembre 2002, qui a été annexée à la municipalité de Killarney par arrêté du ministre daté du 31 octobre 1998 et publié dans la <i>Gazette de l'Ontario</i> du 21 novembre 1998.</p>
RAINY RIVER	<p>Zone géographique constituée du district territorial de Rainy River, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes :</p> <p>Alberton, Atikokan, Chapple, Dawson, Emo, Fort Frances, La Vallée, Lake of the Woods, Morley, Rainy River;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit à</p>

Nom de la zone géographique	Description de la zone géographique
	<p>l'alinéa c) de la disposition 49 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002, sauf les cantons géographiques de Claxton, de Croome et de Mathieu;</p> <p>c) les îles et parties d'îles annexées au canton de Lake of the Woods décrites comme étant situées dans Lake of the Woods, dans le district de Kenora, par arrêté du ministre daté du 17 décembre 1997 et publié dans la <i>Gazette de l'Ontario</i> du 10 janvier 1998.</p>
SUDBURY	<p>Zone géographique constituée du district territorial de Sudbury, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes : Baldwin, Chapleau, Espanola, Grand Sudbury, Killarney, Markstay-Warren, Nairn and Hyman, Rivière des Français, Sables-Spanish Rivers, St.-Charles;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa d) de la disposition 50 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002, sauf la partie du canton géographique de Janes qui a été annexée à la municipalité de Nipissing Ouest par arrêté du ministre daté du 15 août 1997 et publié dans la <i>Gazette de l'Ontario</i> du 13 septembre 1997;</p> <p>c) les îles annexées à la municipalité de Killarney décrites dans un arrêté du ministre daté du 1^{er} mai 2000 et publié dans la <i>Gazette de l'Ontario</i> du 20 mai 2000;</p> <p>d) la partie du district de Manitoulin, tel qu'il existait le 31 décembre 2002, qui a été annexée à la municipalité de Killarney par arrêté du ministre daté du 31 octobre 1998 et publié dans la <i>Gazette de l'Ontario</i> du 21 novembre 1998;</p> <p>e) le canton géographique de Tennyson;</p> <p>f) la partie du district de Parry Sound, tel qu'il existait le 31 décembre 2002, qui a été annexée à la municipalité de Killarney par arrêté du ministre daté du 31 octobre 1998 et publié dans la <i>Gazette de l'Ontario</i> du 21 novembre 1998.</p>
THUNDER BAY	<p>Zone géographique constituée du district territorial de Thunder Bay, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes : Conmee, Dorion, Gillies, Greenstone, Manitouwadge, Marathon, Neebing, Nipigon, O'Connor, Oliver Paipoonge, Red Rock, Schreiber, Shuniah, Terrace Bay, Thunder Bay;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa d) de la disposition 51 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002.</p>

COLONNE 1	COLONNE 2
Nom de la zone géographique	Description de la zone géographique
TIMISKAMING	<p>Zone géographique constituée du district territorial de Timiskaming, lequel se compose de ce qui suit :</p> <p>a) les municipalités à palier unique suivantes :</p> <p>Armstrong, Brethour, Casey, Chamberlain, Charlton and Dack, Cobalt, Coleman, Dymond, Englehart, Evanturel, Gauthier, Haileybury, Harley, Harris, Hilliard, Hudson, James, Kerns, Kirkland Lake, Larder Lake, Latchford, Matachewan, McGarry, New Liskeard, Thornloe;</p> <p>b) les cantons géographiques mentionnés et le reste du territoire décrit à l'alinéa e) de la disposition 52 de l'annexe de la <i>Loi sur la division territoriale</i>, tel que cet alinéa existait le 31 décembre 2002.</p>

ANNEXE 3

MUNICIPALITÉS SITUÉES DANS CERTAINS COMTÉS

COLONNE 1	COLONNE 2
Nom du comté	Municipalités locales situées dans le comté
DUNDAS	North Dundas, South Dundas
GLENGARRY	North Glengarry, South Glengarry
GRENVILLE	Augusta, Edwardsburgh/Cardinal, Merrickville-Wolford, North Grenville, Prescott
LEEDS	Athens, Brockville, Elizabethtown-Kitley, Front of Yonge, Gananoque, Leeds and the Thousand Islands, Rideau Lakes, Westport
PRESCOTT	Alfred and Plantagenet, Champlain, East Hawkesbury, Hawkesbury, la partie de la municipalité de La Nation qui se compose de l'ancien village de St. Isidore et des anciens cantons de Caledonia et de South Plantagenet, telles que ces municipalités existaient le 31 décembre 1997.

Nom du comté	Municipalités locales situées dans le comté
RUSSELL	Casselman, Clarence-Rockland, Russell, la partie de la municipalité de La Nation qui se compose de l'ancien canton de Cambridge, tel qu'il existait le 31 décembre 1997.
STORMONT	Cornwall, North Stormont, South Stormont

DAVID STUART YOUNG
Ministre des Affaires municipales et du Logement

Fait le 1^{er} mai 2003.

21/03

ONTARIO REGULATION 181/03

made under the

MUNICIPAL ACT, 2001

Made: May 1, 2003

Filed: May 5, 2003

MUNICIPAL TAX SALES RULES

PART I INTERPRETATION AND FORMS

Definitions

1. In this Regulation,
“accumulated taxes” means real property taxes that have accumulated with respect to a parcel of land from the first day of advertising of the parcel for sale by public sale until the day a successful purchaser is declared; (“impôts accumulés”)
“board” means a board described in subsection 371 (2) of the Act. (“conseil”)

Public sale of land

2. A public sale of land under the Act shall be conducted in accordance with this Regulation.

Required information on documents

3. (1) A tax arrears certificate shall contain the information set out in Schedule 1.
(2) A tax arrears cancellation certificate referred to in subsection 375 (2), 378 (6) or 382 (3) or (6) of the Act shall contain the information set out in Schedule 2.
(3) A tax deed and the statement of compliance related to it, as required by clause 379 (5) (a) and subsection 379 (6) of the Act, shall contain the information set out in Schedule 3.
(4) A notice of vesting and the statement of compliance related to it, as required by clause 379 (5) (b) and subsection 379 (6) of the Act, shall contain the information set out in Schedule 4.

Forms

4. (1) A notice required by section 374 of the Act shall be in Form 1.
(2) A statutory declaration required by subsection 374 (3) of the Act shall be in Form 2.
(3) A final notice required by subsection 379 (1) of the Act shall be in Form 3.
(4) A statutory declaration required by subsection 379 (2) of the Act shall be in Form 4.
(5) The statement required by subsection 380 (2) of the Act shall be in Form 5.

**PART II
SALE BY PUBLIC TENDER**

Advertisement

5. (1) If the treasurer conducts a sale by public tender, the advertisement required by clause 379 (2) (b) of the Act shall be in Form 6 and the treasurer shall allow at least seven days after the publication of the last advertisement in *The Ontario Gazette* or newspaper or, where there is no newspaper, the posting of the notice, for the submission of tenders.

(2) An advertisement may relate to the sale of any number of parcels of land.

Tender

6. (1) A tender shall be in Form 7 and shall be,

- (a) typewritten or legibly handwritten in ink;
- (b) accompanied by a deposit of at least 20 per cent of the tender amount, which deposit shall be made by way of money order or by way of bank draft or cheque certified by a bank or trust corporation;
- (c) submitted in a sealed envelope which indicates on it that it is a tax sale and provides a short description or municipal address of the land sufficient to permit the treasurer to identify the parcel of land to which the tender relates; and
- (d) addressed to the treasurer.

(2) A tender shall relate to only one parcel of land.

Receipt of tender

7. (1) On receiving an envelope identified as containing a tender, the treasurer shall mark on it the time and date on which it was received and shall retain it unopened in a safe place.

(2) For the purposes of this Part, where two or more tenders are equal, the tender that was received earlier shall be deemed to be the higher.

Withdrawn tender

8. (1) A tender is withdrawn if the tenderer's written request to have the tender withdrawn is received by the treasurer before 3 p.m. local time on the last date for receiving tenders.

(2) The envelope containing a withdrawn tender shall be opened at the time of the opening of the sealed envelopes.

Opening of tenders

9. (1) The treasurer, at a place in the municipality that is open to the public, shall open the sealed envelopes containing the tenders as soon as possible after 3 p.m. local time on the last date for receiving tenders.

(2) The sealed envelopes shall be opened in the presence of at least one person who did not submit a tender, which person may be a municipal employee.

(3) After opening the sealed envelopes, the treasurer shall examine their contents and shall reject every tender that,

- (a) is not equal to or greater than the minimum tender amount as shown in the advertisement;
- (b) does not comply with section 6;
- (c) includes any term or condition not provided for in this Regulation; or
- (d) has been withdrawn as set out in subsection 8 (1).

(4) After complying with subsection (3), the treasurer shall reject all but the two highest of the remaining tenders.

(5) Every rejected tender shall be returned to the tenderer together with the tenderer's deposit, if any, and a statement of the reason for rejection.

Notice of vesting

10. If, after complying with section 9, no tenders remain, the treasurer shall declare that there is no successful purchaser.

Two remaining tenders

11. (1) If, after complying with section 9, two tenders remain, the treasurer shall immediately notify the higher tenderer, by ordinary mail sent to the address shown in the tender, that the tenderer will be declared to be the successful purchaser if, within 14 days of the mailing of the notice, the balance of the amount tendered, the applicable land transfer tax and the accumulated taxes are paid, in cash, to the treasurer.

(2) If the higher tenderer makes the payment as set out in subsection (1), the treasurer shall declare the tenderer to be the successful purchaser.

immediately forfeited to the municipality and the treasurer shall offer the parcel of land to the lower tenderer in accordance with section 12.

One remaining tender

12. (1) If, after complying with section 9, only one tender remains or if, in accordance with subsection 11 (3), the treasurer is required to offer the parcel of land to the lower tenderer, the treasurer shall immediately notify the tenderer, by ordinary mail sent to the address shown in the tender, that the tenderer will be declared to be the successful purchaser if, within 14 days of the mailing of the notice, the balance of the amount tendered, the applicable land transfer tax and the accumulated taxes are paid, in cash, to the treasurer.

(2) If the tenderer makes the payment as set out in subsection (1), the treasurer shall declare the tenderer to be the successful purchaser.

(3) If the tenderer does not make the payment as set out in subsection (1),

(a) the treasurer shall declare that there is no successful purchaser and may register a notice of vesting in the name of the municipality; and

(b) the tenderer's deposit shall be immediately forfeited to the municipality.

PART III SALE BY PUBLIC AUCTION

Advertisement

13. (1) If the treasurer conducts a sale by public auction, the advertisement required by clause 379 (2) (b) of the Act shall be in Form 8 and the treasurer shall allow at least seven days after the publication of the last advertisement in *The Ontario Gazette* or newspaper or, where there is no newspaper, the posting of the notice, before holding the auction.

(2) The auction shall be held at such place in the upper-tier municipality or single-tier municipality or, in the case of unorganized territory, in the territorial district in which the land is located as the treasurer may name in the advertisement.

(3) An advertisement may relate to the sale of any number of parcels of land.

Auctioneer

14. (1) The treasurer or such other person as the treasurer may name shall act as auctioneer.

(2) The auctioneer shall open the auction by declaring the tax sale officially open and by reading out sections 15, 16, 17 and 18.

Duties of auctioneer

15. For each parcel of land to be sold during the auction, the auctioneer shall,

(a) in opening or reopening the bidding on the parcel, state the minimum bid as set out in the advertisement;

(b) acknowledge each bidder, repeat each bid made and call for higher bids; and

(c) if no higher bid is made, repeat the last bid three times and if there is still no higher bid, acknowledge the highest bidder.

Highest bidder is purchaser

16. The highest bidder shall be declared to be the successful purchaser if the bidder immediately pays the amount bid, the applicable land transfer tax and the accumulated taxes, in cash, to the auctioneer.

Failure to pay

17. If the highest bidder fails to make the payment as set out in section 16 and the bidding has not been previously reopened under this Regulation, the auctioneer shall immediately reopen the bidding.

No bids

18. If no bid is made for a parcel of land after the opening of the bidding or if, after the reopening of the bidding under section 17, no bid is made or there is no successful purchaser, the auctioneer shall declare that there is no successful purchaser.

Receipt

19. The auctioneer shall issue a receipt to the successful purchaser for the amounts received under section 16 and the receipt shall include a legal description of the parcel of land and the name of the purchaser and the name in which the tax deed will be registered.

Auction closed

20. The auctioneer shall declare the auction closed upon completion of the bidding on all the parcels of land offered for sale in the auction.

List

21. The auctioneer shall prepare and keep a list showing each parcel of land offered for sale in the auction and the name and address of the successful purchaser or, where there is no successful purchaser, that there is no successful purchaser.

**PART IV
GENERAL**

Cancellation of sale

22. (1) If the treasurer is of the opinion that it is impractical to complete a sale under the Act or to do so would be unfair to the bidders or tenderers, the treasurer may cancel the sale and conduct a new sale under the Act.

(2) If the treasurer cancels a sale by public tender, the treasurer, if he or she has not already done so, shall open the sealed envelopes and return the tenders to the tenderers together with the appropriate deposits, if any, and a statement setting out the reason for the return and, if the sale is cancelled after the opening of tenders, the treasurer shall return any tenders he or she retains and any deposits related to them to the tenderers together with a statement setting out the reason for the return.

Registration

23. As soon as possible after a successful purchaser is declared in a sale under the Act, the treasurer shall prepare and register the necessary documents in accordance with the Act.

Condition

24. Before registering a tax deed or a notice of vesting in respect of land that is in a local municipality referred to in Schedule 2 to Regulation 995 of the Revised Regulations of Ontario, 1990, the treasurer shall obtain a statement in Form 9 signed by an authorized employee of the Ministry of Northern Development and Mines.

Method of payment

25. Subject to clause 6 (1) (b), any payment required by this Regulation to be made in cash may be made by way of cash or money order or by way of bank draft or cheque certified by a bank or trust corporation.

Forfeited funds

26. All deposits forfeited under this Regulation to a municipality shall form part of the general funds of the municipality.

Transition

27. (1) If a tax arrears certificate in respect of vacant land has been registered in accordance with clause 3 (1) (b) of the *Municipal Tax Sales Act* before January 1, 2003, the proceedings in respect of the sale of that land may continue even though the period in which the tax arrears were owing before the registration of the certificate may be less than the period specified in subsection 373 (1) of the *Municipal Act, 2001*.

(2) If subsection 388 (3) of the Act applies in respect of the registration of a notice of forfeiture, the notice of forfeiture shall be in Form 13 of Regulation 824 of the Revised Regulations of Ontario, 1990, as that regulation read on December 31, 2002.

Revocation

28. Regulation 824 of the Revised Regulations of Ontario, 1990 is revoked.

SCHEDULE 1

TAX ARREARS CERTIFICATE

A tax arrears certificate shall contain the following information:

1. The name of the municipality or board.
2. The street address and municipality in which the land is located or, if there is no street address, the location of the land.
3. A statement by the treasurer of the municipality verifying,
 - (i) the amount of tax arrears owing on December 31 of the relevant year and that at least part of the amount plus any additional real property taxes and costs are still owing to the municipality or board, and
 - (ii) that the land described in the certificate will be sold by public sale if the cancellation price is not paid within one year following the date of registration of the certificate.
4. The name of the treasurer and the date of the statement.

- (i) that the time period for paying the cancellation price may be extended if the municipality or board authorizes an extension agreement with the owner of the land before the expiry of the one-year period,
 - (ii) that the cancellation price will be calculated as of the date that the amount of the tax arrears is paid to the municipality or board and will be higher than the amount set out in the certificate,
 - (iii) that, if there is no successful purchaser at the public sale, the land, upon registration of a notice of vesting, will vest in the municipality or board, and
 - (iv) the name and address of the municipality or board to which any enquiries may be directed, including an address for service.
6. A legal description of the land.

SCHEDULE 2

TAX ARREARS CANCELLATION CERTIFICATE

A tax arrears cancellation certificate referred to in subsection 375 (2), 378 (6) or 382 (3) or (6) of the Act shall contain the following information:

1. The name of the municipality or board.
2. The street address and municipality in which the land is located or, if there is no street address, the location of the land.
3. A statement by the treasurer verifying that,
 - (i) the tax arrears certificate registered on (*date of registration*) as (*instrument number*) is cancelled in respect of the land described in the tax arrears cancellation certificate,
 - (ii) the cancellation price (*choose (A) or (B) as appropriate*),
 - (A) remains unpaid and a new tax arrears certificate may be registered in this matter, or
 - (B) was paid on (*date of payment*),
 - (iii) if the cancellation price was paid, it was paid by or on behalf of (*choose (A) or (B) as appropriate*),
 - (A) the owner or the spouse of the owner of the land or a person who was not entitled to receive notice under subsection 374 (1) of the *Municipal Act, 2001* and accordingly there is no lien on the land described in this document in respect of the payment, or
 - (B) a person, other than the owner or spouse of the owner of the land, who was entitled to receive notice under subsection 374 (1) of the *Municipal Act, 2001* or an assignee of such person and, as a result of the payment, (*name and address of person*) has a lien on the land for (*amount of lien*) and the lien has priority over the interest of any person to whom notice was sent under section 374 of that Act.
4. The name of the treasurer and the date of the statement.
5. The name and address of the municipality or board to which any enquiries may be directed, including an address for service.
6. A legal description of the land.

SCHEDULE 3

TAX DEED

A tax deed and the statement of compliance related to it, as required by clause 379 (5) (a) and subsection 379 (6) of the Act, shall contain the following information:

1. The name of the municipality or board.
2. The street address and municipality in which the land is located or, if there is no street address, the location of the land.
3. A statement that, by virtue of the *Municipal Act, 2001*, the registration of the tax deed vests in the transferee an estate in fee simple in the land together with all rights, privileges and appurtenances and free from all estates and interests except,
 - (i) easements and restrictive covenants that run with the land,
 - (ii) any estates and interests of the Crown in right of Canada or Ontario, other than an estate or interest acquired by the Crown in right of Ontario due to an escheat or forfeiture under the *Business Corporations Act* or the *Corporations Act*, and
 - (iii) any interest or title acquired by adverse possession by abutting landowners before registration of the tax deed.

4. A statement that the registration of the tax deed vests in the transferee any interest in or title to adjoining land acquired by adverse possession before the registration of the tax deed if the person originally acquiring the interest or title did so as a consequence of possession of the land described in the tax deed.
5. A statement by the treasurer verifying that,
 - (i) a tax arrears certificate was registered as (*instrument number*) with respect to the land at least one year before the land was advertised for sale,
 - (ii) notices were sent and statutory declarations were made in substantial compliance with the *Municipal Act, 2001* and the regulations under that Act,
 - (iii) the cancellation price was not paid within one year following the date of the registration of the tax arrears certificate,
 - (iv) there was no subsisting extension agreement when the land was advertised for sale,
 - (v) the land was advertised for sale in substantial compliance with the *Municipal Act, 2001* and the regulations under that Act, and
 - (vi) if applicable, the (*name of municipality*) passed a by-law under subsection 379 (3) of the *Municipal Act, 2001* excluding mobile homes from the sale of the land.
6. If applicable, a statement by the treasurer verifying that the Ministry of Northern Development and Mines has advised the municipality that the land described in this tax deed (*choose (i) or (ii) as appropriate*),
 - (i) is liable to a tax imposed under the *Mining Act* and accordingly, under section 384 of the *Municipal Act, 2001*, the registration of this document creates a severance of the surface rights from the mining rights, or
 - (ii) is not liable to a tax imposed under the *Mining Act* and accordingly, under section 384 of the *Municipal Act, 2001*, the registration of this document does not create a severance of the surface rights from the mining rights.
7. The name and address of the municipality or board to which any enquiries may be directed, including an address for service.
8. A legal description of the land.

SCHEDULE 4

NOTICE OF VESTING

A notice of vesting and the statement of compliance related to it, as required by clause 379 (5) (b) and subsection 379 (6) of the Act, shall contain the following information:

1. The name of the municipality or board.
2. The street address and municipality in which the land is located or, if there is no street address, the location of the land.
3. A statement that registration is made under the *Municipal Act, 2001* and, under that Act, the municipality or board attempted to sell the land described in the notice of vesting for arrears of taxes but could not find a successful purchaser and, accordingly, the registration of the notice vests the land described in the notice of vesting in the municipality or board.
4. A statement that, by virtue of the *Municipal Act, 2001*, the registration of the notice of vesting vests in the municipality or board an estate in fee simple in the land together with all rights, privileges and appurtenances and free from all estates and interests except,
 - (i) easements and restrictive covenants that run with the land,
 - (ii) any estates and interests of the Crown in right of Canada or Ontario, other than an estate or interest acquired by the Crown in right of Ontario due to an escheat or forfeiture under the *Business Corporations Act* or the *Corporations Act*, and
 - (iii) any interest or title acquired by adverse possession by abutting landowners before registration of the notice of vesting.
5. A statement that the registration of the notice of vesting vests in the municipality or board any interest in or title to adjoining land acquired by adverse possession before the registration of the notice if the person originally acquiring the interest or title did so as a consequence of possession of the land described in the notice.
6. A statement by the treasurer verifying that,
 - (i) a tax arrears certificate was registered as (*instrument number*) with respect to the land at least one year before the land was advertised for sale,

- and the regulations under that Act,
- (iii) the cancellation price was not paid within one year following the date of the registration of the tax arrears certificate,
 - (iv) there was no subsisting extension agreement when the land was advertised for sale,
 - (v) the land was advertised for sale in substantial compliance with the *Municipal Act, 2001* and the regulations under that Act, and
 - (vi) if applicable, (*name of municipality*) passed a by-law under subsection 379 (3) of the *Municipal Act, 2001* excluding mobile homes from the sale of the land.
7. If applicable, a statement by the treasurer verifying that the Ministry of Northern Development and Mines has advised the municipality that the land described in this notice (*choose (i) or (ii) as appropriate*),
- (i) is liable to a tax imposed under the *Mining Act* and accordingly, under section 384 of the *Municipal Act, 2001*, the registration of this notice creates a severance of the surface rights from the mining rights, or
 - (ii) is not liable to a tax imposed under the *Mining Act* and accordingly, under section 384 of the *Municipal Act, 2001*, the registration of this notice does not create a severance of the surface rights from the mining rights.
8. The name and address of the municipality or board to which any enquiries may be directed, including an address for service.
9. A legal description of the land.

Form 1

Municipal Act, 2001

NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

The.....
(Name of Municipality or Board)

To:

Address:

Re: (Description of Land; a parcel number must be provided where the land is registered in the land titles system)

1. A tax arrears certificate, a copy of which is attached, was registered on the day of 20....., against the title to the land to which the certificate applies as instrument number
2. If you are a person entitled under the *Municipal Act, 2001* to receive this notice and you pay the cancellation price, you will, if you are not the owner or the spouse of the owner of the land, have a lien on the land for the amount paid in priority over the interest of any other person to whom notice is sent under that Act.
3. If, at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land will be sold by public sale.
4. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *Municipal Act, 2001* and the treasurer is not under any duty to obtain the highest or best price for the land.
5. You may claim entitlement to a share in the proceeds of the sale of the land by applying to the Superior Court of Justice within one year of the payment into court by the treasurer of the proceeds of sale minus the cancellation price.
6. If there is no successful purchaser at the public sale, the land, upon the registration of a notice of vesting will vest in the municipality (or board).
7. Inquiries related to the matters set out in this notice may be directed to:

Title	Name of Municipality or Board
Address of Municipality or Board	

Dated at this day of 20

.....
Signature of Treasurer or Other Officer or Employee Authorized to Give this Notice	Title

Note: This document need not be registered.

Form 2

Municipal Act, 2001

STATUTORY DECLARATION REGARDING SENDING OF NOTICE

In the matter of the title to the land mentioned below situate in the

.....
 ofin the
of

I,, of the
 Title
 ofin the
 of, do solemnly declare as follows:

In accordance with section 374 of the *Municipal Act, 2001*, notice was sent of the registration of a tax arrears certificate relating to the land described in this document to each of the interested parties whose names and addresses are listed below on the date set forth opposite their respective names.

Names and Addresses of Interested Parties and Dates of Mailing of Notice:

Name	Nature of Interest	Address	Mailing Date
1.			
2.			
3.			

Municipal Address of land:.....

Legal Description of land:.....

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me

at.....

this..... day of, 20.....

.....

A Commissioner, etc.

.....

Treasurer or Authorized Officer or
Employee of the Municipality or Board

.....

Title

Note: This document need not be registered.

Municipal Act, 2001

FINAL NOTICE

The.....
(Name of Municipality or Board)

To:

Address:

Re: (Description of Land; a parcel number must be provided where the land is registered in the land titles system)

1. You are hereby notified, as a person to whom a notice of registration of a tax arrears certificate against the land described above was sent, that the cancellation price remains unpaid and that there is no subsisting extension agreement.
2. The land will be advertised for public sale unless the cancellation price is paid or an extension agreement is arranged before the day of20....., between the municipality (or board) and the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land.
3. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *Municipal Act, 2001* and the treasurer is not under any duty to obtain the highest or best price for the land.
4. Any inquiry regarding this notice may be directed to:

Title	Name of Municipality or Board
Address of Municipality or Board	

Dated at this day of, 20

.....
Signature of Treasurer or Other Officer or
Employee Authorized to Give this Notice

.....
Title

Note: This document need not be registered.

Form 4

Municipal Act, 2001

STATUTORY DECLARATION REGARDING THE SENDING OF FINAL NOTICE

The.....
 (Name of Municipality or Board)

In the matter of the title to the land mentioned below situate in the

of.....in the

.....of

.....

I,, of the.....

Title

ofin the.....

of do solemnly declare as follows:

In accordance with section 379 of the *Municipal Act, 2001*, final notice relating to the following land was sent to each of the interested parties whose names and addresses are listed below on the date set forth opposite their respective names:

Set out description of land (A parcel number must be provided where the land is registered in the land titles system)

Names and Addresses of Interested Parties and Dates of Mailing of Notice:

Name	Nature of Interest	Address	Mailing Date
1.			
2.			
3.			

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me

at.....

this day of, 20

.....

A Commissioner, etc.

.....
 Treasurer or Authorized Officer or
 Employee of the Municipality or Board

.....

Title

Note: This document need not be registered.

Municipal Act, 2001

PAYMENT INTO COURT — STATEMENT OF FACTS

To the Local Registrar of the Superior Court of Justice at (place at which the Court sits in the county or district in which the land is situate)

Take Notice that pursuant to section 379 of the *Municipal Act, 2001*, the land described below was sold on

the.....day of, 20.....

And take further notice that this is a true statement of the facts with respect to the sale of the land described below:

1. Description of Land:

Municipal Address (if any):.....

Legal Description (*a parcel number must be provided where the land is registered in the land titles system*):

Name of land owner(s) on the date that the tax arrears certificate was registered

Payment into Court

Total Amount Paid into Court \$

3. Under section 380 of the *Municipal Act, 2001*, any person claiming entitlement to any of the proceeds of sale may apply to the Superior Court of Justice, within one year of payment into court, for payment out of court of the amount to which the person is entitled.
4. The court shall, after one year has passed from the day payment is made into court, determine all of the entitlements to receive payments out of the proceeds of sale.

(Use (i) or (ii), whichever is appropriate)

5. (i) The land described in this document, on the date of registration of the tax arrears certificate was vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act*.
- (ii) The land described in this document, on the date of registration of the tax arrears certificate was not vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act* or *Corporations Act*.

Date of payment into Court:....., 20.....

Name	Title
Name of Municipality or Board	
Address and Telephone Number of Municipality or Board	

Municipal Act, 2001
SALE OF LAND BY PUBLIC TENDER

The.....
(Name of Municipality or Board)

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on, 20..... at

The tenders will then be opened in public on the same day at
(time and place)

Description of Land(s):

Minimum Tender Amount:
(Set out the cancellation price
as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The land(s) does (do) not include the mobile homes situate on the land(s). (Insert if applicable).

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

Title	Name of Municipality or Board
Address of Municipality or Board	

Note: This document need not be registered.

Form 7

Municipal Act, 2001

TENDER TO PURCHASE

To: Name:

Address:

Telephone:

Re: Sale of: (description of land)

1. I/we hereby tender to purchase the land described above for the amount of \$
(..... dollars) in accordance with the terms and conditions of the *Municipal Act, 2001* and the Municipal Tax Sales Rules.
2. I/we understand that this tender must be received by the treasurer's office not later than 3:00 p.m. local time on20....., and that in the event of this tender being accepted, I/we shall be notified of its acceptance.

3. I/we enclose a deposit in the form of a certified cheque/bank draft/money order for the sum of

\$.....(.....

dollars) in favour of the.....

(Name of Municipality or Board)

representing 20 per cent or more of the tendered amount which will be forfeited if I/we are the successful tenderer(s) and I/we do not pay the balance of the tendered amount, any land transfer tax and any accumulated taxes within 14 days of the treasurer notifying me/us that I/we are the highest tenderer.

This tender is submitted pursuant to the *Municipal Act, 2001* and the Municipal Tax Sales Rules.

Dated at, this day of, 20

Name of Tenderer	Name of Tenderer
Address of Tenderer	Address of Tenderer

Municipal Act, 2001
SALE OF LAND BY PUBLIC AUCTION

The.....
(Name of Municipality or Board)

Take Notice that the land(s) described below will be offered for sale by public auction at o'clock
on the day of, 20 at

Description of Land(s):

Minimum Bid \$.....
(Set out the cancellation price as
of the first day of advertising)

All amounts payable by the successful purchaser shall be payable in full at the time of the sale by cash or money order or by a bank draft or cheque certified by a bank or trust corporation.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The land(s) does (do) not include the mobile homes situate on the land(s). (Insert if applicable).

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules. The successful purchaser will be required to pay the amount bid plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale, contact:

Title	Name of Municipality or Board
Address of Municipality or Board	

Form 9

Municipal Act, 2001

MINING ACT INFORMATION

.....
(Name of Municipality or Board)

.....
(Street address and city, town, etc., or if there is no street address, the location of the land)

Under the *Municipal Act, 2001*, the municipality or board named above may sell the land described in this document for arrears of taxes.

Legal Description:

.....

☐ The land described in this document is liable to a tax imposed under the *Mining Act* and, therefore, pursuant to section 384 of the *Municipal Act, 2001*, the registration of a tax deed or notice of vesting does create a severance of the surface rights from the mining rights.

or

☐ The land described in this document is not liable to a tax imposed under the *Mining Act* and, therefore, pursuant to section 384 of the *Municipal Act, 2001*, the registration of a tax deed or notice of vesting does not create a severance of the surface rights from the mining rights.

.....
(Signature of Authorized Employee of Ministry of Northern
Development and Mines)

Note: This document need not be registered.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on May 1, 2003.

pris en application de la
LOI DE 2001 SUR LES MUNICIPALITÉS

pris le 1^{er} mai 2003
déposé le 5 mai 2003

**RÈGLES CONCERNANT LES VENTES
POUR NON-PAIEMENT DES IMPÔTS MUNICIPAUX**

**PARTIE I
INTERPRÉTATION ET FORMULES**

Définitions

1. Les définitions qui suivent s'appliquent au présent règlement.

«conseil» Conseil visé au paragraphe 371 (2) de la Loi. («board»)

«impôts accumulés» S'entend des impôts fonciers sur une parcelle de bien-fonds qui se sont accumulés depuis le premier jour de l'annonce de sa vente publique jusqu'au jour où une personne est déclarée adjudicataire. («accumulated taxes»)

Vente publique de biens-fonds

2. Toute vente publique de biens-fonds prévue par la Loi doit se tenir conformément au présent règlement.

Renseignements exigés dans des documents

3. (1) Le certificat d'arriérés d'impôts contient les renseignements énoncés à l'annexe 1.

(2) Le certificat d'annulation des arriérés d'impôts visé au paragraphe 375 (2), 378 (6) ou 382 (3) ou (6) de la Loi contient les renseignements énoncés à l'annexe 2.

(3) L'acte d'adjudication et la déclaration de conformité s'y rapportant, prévus à l'alinéa 379 (5) a) et au paragraphe 379 (6) de la Loi respectivement, contiennent les renseignements énoncés à l'annexe 3.

(4) L'avis de dévolution et la déclaration de conformité s'y rapportant, prévus à l'alinéa 379 (5) b) et au paragraphe 379 (6) de la Loi respectivement, contiennent les renseignements énoncés à l'annexe 4.

Formules

4. (1) L'avis exigé par l'article 374 de la Loi est rédigé selon la formule 1.

(2) La déclaration solennelle exigée par le paragraphe 374 (3) de la Loi est rédigée selon la formule 2.

(3) Le dernier avis exigé par le paragraphe 379 (1) de la Loi est rédigé selon la formule 3.

(4) La déclaration solennelle exigée par le paragraphe 379 (2) de la Loi est rédigée selon la formule 4.

(5) La déclaration exigée par le paragraphe 380 (2) de la Loi est rédigée selon la formule 5.

**PARTIE II
VENTE PAR APPEL D'OFFRES**

Annonce

5. (1) Si le trésorier tient une vente par appel d'offres, l'annonce exigée par l'alinéa 379 (2) b) de la Loi est rédigée selon la formule 6. Le trésorier accorde, pour le dépôt des offres, un délai d'au moins sept jours après la publication de la dernière annonce dans la *Gazette de l'Ontario* ou un journal ou, en l'absence de journal, après l'affichage de l'avis.

(2) L'annonce peut porter sur la vente de n'importe quel nombre de parcelles de bien-fonds.

Offre

6. (1) L'offre est rédigée selon la formule 7 et remplit les conditions suivantes :

- a) elle est dactylographiée ou écrite à la main lisiblement à l'encre;
- b) elle est accompagnée d'un dépôt d'au moins 20 pour cent de son montant, sous forme de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie;
- c) elle est présentée dans une enveloppe cachetée indiquant qu'il s'agit d'une vente pour non-paiement d'impôts et donnant une description succincte ou l'adresse municipale du bien-fonds qui permette au trésorier d'identifier la parcelle de bien-fonds faisant l'objet de l'offre;

- d) elle est adressée au trésorier.
- (2) L'offre ne peut viser qu'une parcelle de bien-fonds.

Réception de l'offre

- 7. (1) Dès réception d'une enveloppe portant la mention qu'elle contient une offre, le trésorier indique sur celle-ci l'heure et la date de sa réception et la garde en lieu sûr sans l'ouvrir.
- (2) Pour l'application de la présente partie, à égalité de deux offres ou plus, la première reçue est réputée la plus élevée.

Retrait de l'offre

- 8. (1) Le soumissionnaire peut retirer son offre en faisant parvenir une demande écrite à cette fin au trésorier avant 15 heures, heure locale, à la date de clôture de l'appel d'offres.
- (2) L'enveloppe contenant une offre retirée est ouverte au moment où le sont les enveloppes cachetées.

Ouverture des offres

- 9. (1) Dès que possible après 15 heures, heure locale, à la date de clôture de l'appel d'offres, le trésorier ouvre, en un lieu de la municipalité qui est ouvert au public, les enveloppes cachetées contenant les offres.
- (2) Le trésorier ouvre les enveloppes cachetées en présence d'au moins une personne qui n'a pas présenté d'offre. Cette personne peut être un employé de la municipalité.
- (3) Après avoir ouvert les enveloppes cachetées, le trésorier en vérifie le contenu et rejette toute offre qui, selon le cas :
 - a) n'est pas égale ou supérieure au montant minimal mentionné dans l'annonce;
 - b) n'est pas conforme à l'article 6;
 - c) comporte une condition non prévue par le présent règlement;
 - d) a été retirée conformément au paragraphe 8 (1).
- (4) Après s'être conformé au paragraphe (3), le trésorier ne conserve, parmi les offres restantes, que les deux plus élevées, et rejette les autres.
- (5) Toute offre rejetée est retournée au soumissionnaire et est accompagnée du dépôt qu'a versé celui-ci, le cas échéant, et d'une déclaration énonçant les motifs du rejet.

Avis de dévolution

- 10. S'il constate, après s'être conformé à l'article 9, qu'il ne reste aucune offre valide, le trésorier déclare qu'il n'y a aucun adjudicataire.

Deux offres valides restantes

- 11. (1) S'il constate, après s'être conformé à l'article 9, qu'il reste deux offres valides, le trésorier avise immédiatement le plus haut soumissionnaire, par courrier ordinaire expédié à l'adresse inscrite dans l'offre, qu'il sera déclaré adjudicataire sur paiement comptant au trésorier, dans les 14 jours de la mise à la poste de l'avis, du solde du montant de l'offre, des droits de cession immobilière applicables et des impôts accumulés.
- (2) Si le plus haut soumissionnaire effectue le paiement conformément au paragraphe (1), le trésorier le déclare adjudicataire.
- (3) Si le plus haut soumissionnaire n'effectue pas le paiement conformément au paragraphe (1), son dépôt est confisqué immédiatement au profit de la municipalité et le trésorier offre la parcelle de bien-fonds au plus bas soumissionnaire conformément à l'article 12.

Une seule offre valide restante

- 12. (1) S'il constate, après s'être conformé à l'article 9, qu'il ne reste qu'une seule offre valide, ou s'il doit, conformément au paragraphe 11 (3), offrir la parcelle de bien-fonds au plus bas soumissionnaire, le trésorier avise immédiatement le soumissionnaire, par courrier ordinaire expédié à l'adresse inscrite dans l'offre, qu'il sera déclaré adjudicataire sur paiement comptant au trésorier, dans les 14 jours de la mise à la poste de l'avis, du solde du montant de l'offre, des droits de cession immobilière applicables et des impôts accumulés.
- (2) Si le soumissionnaire effectue le paiement conformément au paragraphe (1), le trésorier le déclare adjudicataire.
- (3) Si le soumissionnaire n'effectue pas le paiement conformément au paragraphe (1) :
 - a) d'une part, le trésorier déclare qu'il n'y a aucun adjudicataire et peut enregistrer un avis de dévolution au nom de la municipalité;
 - b) d'autre part, le dépôt du soumissionnaire est confisqué immédiatement au profit de la municipalité.

VENTE AUX ENCHERES PUBLIQUES

Annonce

13. (1) Si le trésorier tient une vente aux enchères publiques, l'annonce exigée par l'alinéa 379 (2) b) de la Loi est rédigée selon la formule 8. Le trésorier accorde, avant la tenue de la vente aux enchères, un délai d'au moins sept jours après la publication de la dernière annonce dans la *Gazette de l'Ontario* ou un journal ou, en l'absence de journal, après l'affichage de l'avis.

(2) La vente aux enchères se tient dans le lieu de la municipalité de palier supérieur ou de la municipalité à palier unique ou, dans le cas d'un territoire non érigé en municipalité, du district territorial où est situé le bien-fonds et que le trésorier désigne dans l'annonce.

(3) L'annonce peut porter sur la vente de n'importe quel nombre de parcelles de bien-fonds.

Encanteur

14. (1) Le trésorier ou la personne qu'il désigne agit à titre d'encanteur.

(2) L'encanteur commence la vente aux enchères en déclarant la vente pour non-paiement d'impôts officiellement ouverte et en lisant à haute voix les articles 15, 16, 17 et 18.

Fonctions de l'encanteur

15. À l'égard de chaque parcelle de bien-fonds faisant l'objet de la vente aux enchères, l'encanteur fait ce qui suit :

- a) il précise, au moment d'ouvrir ou de rouvrir les enchères sur la parcelle, l'enchère minimale indiquée dans l'annonce;
- b) il constate chaque enchérisseur, répète chaque enchère et invite les surenchères;
- c) en l'absence de surenchère, il répète la dernière enchère trois fois et, s'il n'y a toujours pas de surenchère, constate le dernier enchérisseur.

Dernier enchérisseur déclaré adjudicataire

16. Sur paiement comptant immédiat à l'encanteur du montant de l'enchère, des droits de cession immobilière applicables et des impôts accumulés, le dernier enchérisseur est déclaré adjudicataire.

Non-paiement

17. Si le dernier enchérisseur n'effectue pas le paiement conformément à l'article 16 et que les enchères n'ont pas déjà été rouvertes en application du présent règlement, l'encanteur rouvre immédiatement les enchères.

Absence d'enchère

18. S'il n'y a pas d'enchère sur une parcelle de bien-fonds après l'ouverture des enchères ou s'il n'y a pas d'enchère ou d'adjudicataire après la réouverture des enchères en application de l'article 17, l'encanteur déclare qu'il n'y a aucun adjudicataire.

Reçu

19. L'encanteur délivre à l'adjudicataire un reçu attestant les sommes reçues en application de l'article 16. Le reçu donne une description légale de la parcelle de bien-fonds, le nom de l'adjudicataire et le nom sous lequel l'acte d'adjudication sera enregistré.

Clôture de la vente aux enchères

20. L'encanteur annonce la clôture de la vente aux enchères à la fin des enchères sur toutes les parcelles de bien-fonds faisant l'objet de la vente.

Liste

21. L'encanteur dresse et conserve une liste indiquant chaque parcelle de bien-fonds visée par la vente aux enchères et les nom et adresse de l'adjudicataire ou, s'il n'y en a pas, le fait qu'il n'y en a pas.

PARTIE IV DISPOSITIONS GÉNÉRALES

Annulation de la vente

22. (1) S'il estime que l'exécution d'une vente en application de la Loi est difficilement réalisable ou serait injuste envers les enchérisseurs ou les soumissionnaires, le trésorier peut annuler la vente et en tenir une nouvelle en vertu de la Loi.

(2) S'il annule une vente par appel d'offres, le trésorier ouvre les enveloppes cachetées, s'il ne l'a pas déjà fait, et retourne aux soumissionnaires leurs offres et les dépôts appropriés, s'ils en ont versé un, le tout accompagné d'une déclaration énonçant les raisons pour lesquelles leur offre leur est retournée. En cas d'annulation de la vente après l'ouverture des offres,

le trésorier retourne aux soumissionnaires les offres retenues et les dépôts s'y rapportant, le cas échéant, le tout accompagné d'une déclaration énonçant les raisons pour lesquelles leur offre leur est retournée.

Enregistrement

23. Dès que possible après qu'une personne est déclarée adjudicataire dans une vente tenue en application de la Loi, le trésorier prépare et enregistre les documents nécessaires conformément à celle-ci.

Condition

24. Avant d'enregistrer un acte d'adjudication ou un avis de dévolution à l'égard d'un bien-fonds situé dans une municipalité locale visée à l'annexe 2 du Règlement 995 des Règlements refondus de l'Ontario de 1990, le trésorier obtient une déclaration rédigée selon la formule 9 et signée par un employé autorisé du ministère du Développement du Nord et des Mines.

Mode de paiement

25. Sous réserve de l'alinéa 6 (1) b), lorsque le présent règlement exige un paiement comptant, il peut être effectué en espèces ou sous forme de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie.

Confiscation de fonds

26. Le dépôt confisqué en application du présent règlement au profit d'une municipalité fait partie de son fonds d'administration générale.

Disposition transitoire

27. (1) Si un certificat d'arriérés d'impôts relatif à un terrain nu a été enregistré conformément à l'alinéa 3 (1) b) de la *Loi sur les ventes pour impôts municipaux* avant le 1^{er} janvier 2003, les démarches entreprises à l'égard de la vente de ce bien-fonds peuvent se poursuivre même si la période précédant l'enregistrement du certificat pendant laquelle les arriérés d'impôts étaient dus est inférieure à celle précisée au paragraphe 373 (1) de la *Loi de 2001 sur les municipalités*.

(2) Si le paragraphe 388 (3) de la Loi s'applique à l'égard de l'enregistrement d'un avis de déchéance, cet avis est rédigé selon la formule 13 du Règlement 824 des Règlements refondus de l'Ontario de 1990, tel qu'il existait le 31 décembre 2002.

Abrogation

28. Le Règlement 824 des Règlements refondus de l'Ontario de 1990 est abrogé.

ANNEXE I

CERTIFICAT D'ARRIÉRÉS D'IMPÔTS

Le certificat d'arriérés d'impôts contient les renseignements suivants :

1. Le nom de la municipalité ou du conseil.
2. L'adresse municipale ainsi que la municipalité où est situé le bien-fonds ou, en l'absence d'une telle adresse, l'endroit où il est situé.
3. Une déclaration du trésorier de la municipalité attestant ce qui suit :
 - (i) le montant des arriérés d'impôts dus le 31 décembre de l'année pertinente et le fait qu'au moins une partie de ce montant et tous impôts fonciers additionnels et frais demeurent dus à la municipalité ou au conseil,
 - (ii) le fait que le bien-fonds décrit dans le certificat fera l'objet d'une vente publique si le coût d'annulation n'est pas payé dans l'année qui suit la date de l'enregistrement du certificat.
4. Le nom du trésorier et la date de la déclaration.
5. Un avis énonçant ce qui suit :
 - (i) le fait que le délai accordé pour payer le coût d'annulation peut être prorogé si la municipalité ou le conseil autorise la conclusion d'un accord de prorogation avec le propriétaire du bien-fonds avant l'expiration du délai d'un an,
 - (ii) le fait que le coût d'annulation sera calculé à la date du paiement des arriérés d'impôts à la municipalité ou au conseil et sera supérieur au montant indiqué dans le certificat,
 - (iii) le fait que s'il n'y a aucun adjudicataire à l'issue de la vente publique, le bien-fonds est dévolu à la municipalité ou au conseil sur enregistrement d'un avis de dévolution,
 - (iv) les nom et adresse de la municipalité ou du conseil où peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.
6. La description légale du bien-fonds.

CERTIFICAT D'ANNULATION DES ARRIÉRÉS D'IMPÔTS

Le certificat d'annulation des arriérés d'impôts visé au paragraphe 375 (2), 378 (6) ou 382 (3) ou (6) de la Loi contient les renseignements suivants :

1. Le nom de la municipalité ou du conseil.
2. L'adresse municipale ainsi que la municipalité où est situé le bien-fonds ou, en l'absence d'une telle adresse, l'endroit où il est situé.
3. Une déclaration du trésorier attestant ce qui suit :
 - (i) le certificat d'arriérés d'impôts enregistré le (*date de l'enregistrement*) sous le numéro (*numéro de l'acte*) est annulé à l'égard du bien-fonds décrit dans le certificat d'annulation des arriérés d'impôts,
 - (ii) le coût d'annulation (*choisir (A) ou (B), selon le cas*) :
 - (A) demeure impayé et un nouveau certificat d'arriérés d'impôts peut être enregistré,
 - (B) a été payé le (*date du paiement*),
 - (iii) si le coût d'annulation a été payé, il l'a été par ou au nom d'une des personnes suivantes (*choisir (A) ou (B), selon le cas*) :
 - (A) le propriétaire du bien-fonds ou son conjoint ou une personne qui n'avait pas droit à l'avis prévu au paragraphe 374 (1) de la Loi de 2001 sur les municipalités et, en conséquence, il n'y a pas de privilège sur le bien-fonds décrit dans le présent document à l'égard du paiement,
 - (B) une personne, autre que le propriétaire du bien-fonds ou son conjoint, qui avait droit à l'avis prévu au paragraphe 374 (1) de la *Loi de 2001 sur les municipalités* ou un cessionnaire d'une telle personne et, par suite du paiement, (*nom et adresse de la personne*) a un privilège sur le bien-fonds pour la somme de (*montant du privilège*), lequel privilège prend rang avant l'intérêt de toute personne à qui un avis a été envoyé en application de l'article 374 de cette loi.
4. Le nom du trésorier et la date de la déclaration.
5. Les nom et adresse de la municipalité ou du conseil où peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.
6. La description légale du bien-fonds.

ANNEXE 3

ACTE D'ADJUDICATION

L'acte d'adjudication et la déclaration de conformité s'y rapportant, prévus à l'alinéa 379 (5) a) et au paragraphe 379 (6) de la Loi respectivement, contiennent les renseignements suivants :

1. Le nom de la municipalité ou du conseil.
2. L'adresse municipale ainsi que la municipalité où est situé le bien-fonds ou, en l'absence d'une telle adresse, l'endroit où il est situé.
3. Une déclaration portant que, en vertu de la *Loi de 2001 sur les municipalités*, par l'enregistrement de l'acte d'adjudication, est dévolu au destinataire du transfert le domaine en fief simple sur le bien-fonds, y compris tous les droits, privilèges et dépendances qui s'y rapportent, libre des autres domaines et intérêts, à l'exception de ce qui suit :
 - (i) les servitudes et les clauses restrictives qui se rattachent au bien-fonds,
 - (ii) les domaines et intérêts de la Couronne du chef du Canada ou de l'Ontario autres que ceux acquis par la Couronne du chef de l'Ontario pour cause de déshérence ou de déchéance en application de la *Loi sur les sociétés par actions* ou de la *Loi sur les personnes morales*,
 - (iii) tout intérêt ou titre acquis par possession adversative par les propriétaires de biens-fonds attenants avant l'enregistrement de l'acte d'adjudication.
4. Une déclaration portant que, par l'enregistrement de l'acte d'adjudication, est dévolu au destinataire du transfert tout intérêt sur un bien-fonds contigu acquis par possession adversative avant l'enregistrement ou le titre de propriété d'un tel bien-fonds ainsi acquis, si la personne qui a acquis à l'origine cet intérêt ou ce titre l'a acquis par suite de la possession du bien-fonds décrit dans l'acte d'adjudication.
5. Une déclaration du trésorier attestant ce qui suit :
 - (i) un certificat d'arriérés d'impôts a été enregistré sous le numéro (*numéro de l'acte*) à l'égard du bien-fonds au moins un an avant l'annonce de la mise en vente du bien-fonds,

- (ii) les avis ont été envoyés et les déclarations solennelles faites en conformité, pour l'essentiel, avec la *Loi de 2001 sur les municipalités* et ses règlements d'application,
 - (iii) le coût d'annulation n'a pas été payé dans l'année qui suit la date de l'enregistrement du certificat d'arriérés d'impôts,
 - (iv) aucun accord de prorogation n'était en vigueur lors de l'annonce de la mise en vente du bien-fonds,
 - (v) la mise en vente du bien-fonds a été annoncée en conformité, pour l'essentiel, avec la *Loi de 2001 sur les municipalités* et ses règlements d'application,
 - (vi) le cas échéant, la (nom de la municipalité) a adopté un règlement en vertu du paragraphe 379 (3) de la *Loi de 2001 sur les municipalités* en vue d'exclure les maisons mobiles de la vente du bien-fonds.
6. Le cas échéant, une déclaration du trésorier attestant que le ministère du Développement du Nord et des Mines a avisé la municipalité que le bien-fonds décrit dans le présent acte d'adjudication (*choisir (i) ou (ii), selon le cas*) :
- (i) est assujéti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 384 de la *Loi de 2001 sur les municipalités*, l'enregistrement du présent document entraîne la séparation des droits de surface des droits miniers,
 - (ii) n'est pas assujéti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 384 de la *Loi de 2001 sur les municipalités*, l'enregistrement du présent document n'entraîne pas de séparation des droits de surface des droits miniers.
7. Les nom et adresse de la municipalité ou du conseil où peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.
8. La description légale du bien-fonds.

ANNEXE 4

AVIS DE DÉVOLUTION

L'avis de dévolution et la déclaration de conformité s'y rapportant, prévus à l'alinéa 379 (5) b) et au paragraphe 379 (6) de la *Loi* respectivement, contiennent les renseignements suivants :

1. Le nom de la municipalité ou du conseil.
2. L'adresse municipale ainsi que la municipalité où est situé le bien-fonds ou, en l'absence d'une telle adresse, l'endroit où il est situé.
3. Une déclaration portant que l'enregistrement est effectué en application de la *Loi de 2001 sur les municipalités*, que, en application de cette loi, la municipalité ou le conseil a tenté de vendre le bien-fonds décrit dans l'avis de dévolution pour arriérés d'impôts, sans toutefois trouver d'adjudicataire, et que, en conséquence, le bien-fonds décrit dans l'avis de dévolution est dévolu, par l'enregistrement de l'avis, à la municipalité ou au conseil.
4. Une déclaration portant que, en vertu de la *Loi de 2001 sur les municipalités*, par l'enregistrement de l'avis de dévolution, est dévolu à la municipalité ou au conseil le domaine en fief simple sur le bien-fonds, y compris tous les droits, privilèges et dépendances qui s'y rapportent, libre des autres domaines et intérêts, à l'exception de ce qui suit :
 - (i) les servitudes et les clauses restrictives qui se rattachent au bien-fonds,
 - (ii) les domaines et intérêts de la Couronne du chef du Canada ou de l'Ontario autres que ceux acquis par la Couronne du chef de l'Ontario pour cause de déshérence ou de déchéance en application de la *Loi sur les sociétés par actions* ou de la *Loi sur les personnes morales*,
 - (iii) tout intérêt ou titre acquis par possession adversative par les propriétaires de biens-fonds attenants avant l'enregistrement de l'avis de dévolution.
5. Une déclaration portant que, par l'enregistrement de l'avis de dévolution, est dévolu à la municipalité ou au conseil tout intérêt sur un bien-fonds contigu acquis par possession adversative avant l'enregistrement ou le titre de propriété d'un tel bien-fonds ainsi acquis, si la personne qui a acquis à l'origine cet intérêt ou ce titre l'a acquis par suite de la possession du bien-fonds décrit dans l'avis.
6. Une déclaration du trésorier attestant ce qui suit :
 - (i) un certificat d'arriérés d'impôts a été enregistré sous le numéro (*numéro de l'acte*) à l'égard du bien-fonds au moins un an avant l'annonce de la mise en vente du bien-fonds,
 - (ii) les avis ont été envoyés et les déclarations solennelles faites en conformité, pour l'essentiel, avec la *Loi de 2001 sur les municipalités* et ses règlements d'application,
 - (iii) le coût d'annulation n'a pas été payé dans l'année qui suit la date de l'enregistrement du certificat d'arriérés d'impôts,

- (v) la mise en vente du bien-fonds a été annoncée en conformité, pour l'essentiel, avec la *Loi de 2001 sur les municipalités* et ses règlements d'application,
- (vi) le cas échéant, la (*nom de la municipalité*) a adopté un règlement en vertu du paragraphe 379 (3) de la *Loi de 2001 sur les municipalités* en vue d'exclure les maisons mobiles de la vente du bien-fonds.
7. Le cas échéant, une déclaration du trésorier attestant que le ministère du Développement du Nord et des Mines a avisé la municipalité que le bien-fonds décrit dans le présent avis (*choisir (i) ou (ii), selon le cas*) :
- (i) est assujetti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 384 de la *Loi de 2001 sur les municipalités*, l'enregistrement du présent avis entraîne la séparation des droits de surface des droits miniers,
 - (ii) n'est pas assujetti à un impôt établi en application de la *Loi sur les mines* et que, en conséquence, en application de l'article 384 de la *Loi de 2001 sur les municipalités*, l'enregistrement du présent avis n'entraîne pas de séparation des droits de surface des droits miniers.
8. Les nom et adresse de la municipalité ou du conseil où peuvent être adressées les demandes de renseignements, notamment une adresse aux fins de signification.
9. La description légale du bien-fonds.

Formule 1*Loi de 2001 sur les municipalités***AVIS D'ENREGISTREMENT D'UN CERTIFICAT D'ARRIÉRÉS D'IMPÔTS**

La/Le.....
(Nom de la municipalité ou du conseil)

Destinataire :

Adresse :

Objet : *(Description du bien-fonds; le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)*

1. Un certificat d'arriérés d'impôts, dont copie est ci-jointe, a été enregistré le 20..... sous le numéro d'acte..... à l'égard du titre du bien-fonds qui y est visé.
2. Si vous avez droit au présent avis en application de la *Loi de 2001 sur les municipalités* et que vous payez le coût d'annulation, vous aurez un privilège sur le bien-fonds pour la somme versée, à condition d'en être ni le propriétaire ni son conjoint, lequel privilège prend rang avant l'intérêt de toute autre personne à qui un avis est envoyé en application de cette loi.
3. Si, à la fin du délai d'un an qui suit la date de l'enregistrement du certificat d'arriérés d'impôts, le coût d'annulation demeure impayé et qu'aucun accord de prorogation n'est en vigueur, le bien-fonds fera l'objet d'une vente publique.
4. Le trésorier n'est pas tenu de se renseigner ni de se faire une opinion sur la valeur du bien-fonds avant de tenir une vente en application de la *Loi de 2001 sur les municipalités*. Il n'a pas non plus l'obligation d'obtenir le meilleur prix pour le bien-fonds.
5. Vous pouvez revendiquer un droit sur une part du produit de la vente du bien-fonds en présentant une requête à la Cour supérieure de justice dans l'année qui suit la consignation au tribunal, par le trésorier, du produit de la vente, déduction faite du coût d'annulation.
6. S'il n'y a aucun adjudicataire à l'issue de la vente publique, le bien-fonds est dévolu à la municipalité (ou au conseil) sur enregistrement d'un avis de dévolution.
7. Les demandes de renseignements concernant les questions visées par le présent avis peuvent être adressées à :

Titre	Nom de la municipalité ou du conseil
-------	--------------------------------------

Adresse de la municipalité ou du conseil
--

Fait à le 20

Signature du trésorier ou de l'autre fonctionnaire, agent ou employé autorisé à donner le présent avis	Titre
---	-------

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

Formule 2

Loi de 2001 sur les municipalités

DÉCLARATION SOLENNELLE SUR L'ENVOI D'UN AVIS

Concernant le titre du bien-fonds décrit ci-dessous et
 situé dans.....
 de.....
 dans
 de.....

Je,.....de.....

Titre

dedans

de, déclare solennellement ce qui suit :

Conformément à l'article 374 de la *Loi de 2001 sur les municipalités*, un avis de l'enregistrement d'un certificat d'arriérés d'impôts à l'égard du bien-fonds décrit dans le présent document a été envoyé à chacune des parties intéressées dont les nom et adresse figurent ci-dessous, à la date indiquée en regard de leur nom respectif.

Nom et adresse des parties intéressées et date de la mise à la poste de l'avis :

Nom	Nature de l'intérêt	Adresse	Date de la mise à la poste
1.			
2.			
3.			

Adresse municipale du bien-fonds :

Description légale du bien-fonds :

Et je fais la présente déclaration solennelle la croyant vraie en toute conscience et sachant qu'elle a la même valeur et le même effet que si elle était faite sous serment et en vertu de la *Loi sur la preuve au Canada*.

Déclaration faite devant moi

à.....

le..... 20.....

Trésorier ou fonctionnaire, agent ou
 employé autorisé de la municipalité ou du
 conseil

.....

Commissaire, etc.

.....

Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

Loi de 2001 sur les municipalités

DERNIER AVIS

La/Le.....

(Nom de la municipalité ou du conseil)

Destinataire :

Adresse :

Objet : (Description du bien-fonds; le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)

1. À titre de personne à laquelle a été envoyé un avis de l'enregistrement d'un certificat d'arriérés d'impôts à l'égard du bien-fonds décrit ci-dessus, vous êtes avisée par la présente que le coût d'annulation demeure impayé et qu'aucun accord de prorogation n'est en vigueur.
2. La vente publique du bien-fonds sera annoncée, à moins que, avant le 20, ne soit payé le coût d'annulation ou ne soit conclu un accord de prorogation entre, d'une part, la municipalité (ou le conseil) et, d'autre part, le propriétaire du bien-fonds, son conjoint, un créancier hypothécaire ou un locataire qui occupe le bien-fonds.
3. Le trésorier n'est pas tenu de se renseigner ni de se faire une opinion sur la valeur du bien-fonds avant de tenir une vente en application de la *Loi de 2001 sur les municipalités*. Il n'a pas non plus l'obligation d'obtenir le meilleur prix pour le bien-fonds.
4. Les demandes de renseignements concernant le présent avis peuvent être adressées à :

Titre	Nom de la municipalité ou du conseil
Adresse de la municipalité ou du conseil	

Fait à le 20

Signature du trésorier ou de l'autre fonctionnaire,
agent ou employé autorisé à donner le présent avis

Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

Formule 4

Loi de 2001 sur les municipalités

DÉCLARATION SOLENNELLE SUR L'ENVOI D'UN DERNIER AVIS

La/Le.....
 (Nom de la municipalité ou du conseil)

Concernant le titre du bien-fonds décrit ci-dessous et
 situé dans.....
 de.....
 dans.....
 de.....

Je,.....,dc.....
 Titre
 dedans.....
 de, déclare solennellement ce qui suit :

Conformément à l'article 379 de la *Loi de 2001 sur les municipalités*, un dernier avis ayant trait au bien-fonds suivant a été envoyé à chacune des parties intéressées dont les nom et adresse figurent ci-dessous, à la date indiquée en regard de leur nom respectif :

Description du bien-fonds (Le numéro de parcelle doit être indiqué lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers)

Nom et adresse des parties intéressées et date de la mise à la poste de l'avis :

Nom	Nature de l'intérêt	Adresse	Date de la mise à la poste
1.			
2.			
3.			

Et je fais la présente déclaration solennelle la croyant vraie en toute conscience et sachant qu'elle a la même valeur et le même effet que si elle était faite sous serment et en vertu de la *Loi sur la preuve au Canada*.

Déclaration faite devant moi

à.....

le..... 20.....
 Trésorier ou fonctionnaire, agent ou
 employé autorisé de la municipalité
 ou du conseil

.....
 Commissaire, etc. Titre

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

CONSIGNATION AU TRIBUNAL — DÉCLARATION DES FAITS

Au greffier local de la Cour supérieure de justice à (endroit où siège le tribunal dans le comté ou le district où est situé le bien-fonds)

Avis vous est donné que, conformément à l'article 379 de la *Loi de 2001 sur les municipalités*, le bien-fonds décrit ci-dessous a été vendu le.....
20.....

Avis vous est donné en outre que le présent document constitue un exposé fidèle des faits relatifs à la vente du bien-fonds décrit ci-dessous :

1. Description du bien-fonds :

Adresse municipale (le cas échéant) :

Description légale (le numéro de parcelle doit être fourni lorsque le bien-fonds est enregistré sous le régime d'enregistrement des droits immobiliers) :

Nom du/des propriétaire(s) du bien-fonds à la date de l'enregistrement du certificat d'arriérés d'impôts :

2. Consignation au tribunal

Montant total de la consignation : \$

3. En application de l'article 380 de la *Loi de 2001 sur les municipalités*, quiconque revendique un droit sur une part du produit de la vente peut, par voie de requête présentée à la Cour supérieure de justice dans l'année qui suit la consignation, demander le versement de la somme à laquelle il a droit.

4. À l'expiration de l'année qui suit la date de la consignation au tribunal, celui-ci détermine tout droit à une part du produit de la vente.

(Choisir (i) ou (ii), selon le cas)

5. (i) À la date de l'enregistrement du certificat d'arriérés d'impôts, le bien-fonds décrit dans le présent document était dévolu à la Couronne pour cause de déshérence ou de déchéance en application de la *Loi sur les sociétés par actions* ou de la *Loi sur les personnes morales*.
- (ii) À la date de l'enregistrement du certificat d'arriérés d'impôts, le bien-fonds décrit dans le présent document n'était pas dévolu à la Couronne pour cause de déshérence ou de déchéance en application de la *Loi sur les sociétés par actions* ou de la *Loi sur les personnes morales*.

Date de la consignation au tribunal : 20.....

Nom	Titre
Nom de la municipalité ou du conseil	
Adresse et numéro de téléphone de la municipalité ou du conseil	

Loi de 2001 sur les municipalités
VENTE BIENS-FONDS PAR APPEL D'OFFRES

La/Le.....
(Nom de la municipalité ou du conseil)

Avis est donné qu'un appel d'offres est lancé relativement à l'achat du/des bien(s)-fonds décrit(s) ci-dessous et que les offres seront reçues jusqu'à 15 heures, heure locale, le20.....à.....

L'ouverture des offres aura lieu en public le même jour à.....
(heure et lieu)

Description du/des bien(s)-fonds :
.....

Montant minimal de l'offre :
(Indiquer le coût d'annulation en
date du premier jour de l'annonce)

Les offres doivent être rédigées selon la formule prescrite et accompagnées d'un dépôt d'au moins 20 pour cent de leur montant, sous forme de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie, fait à l'ordre de la municipalité (ou du conseil).

Exception faite de ce qui suit, la municipalité ne fait aucune déclaration à l'égard du bien-fonds faisant l'objet de la vente, notamment en ce qui concerne le titre. Il incombe aux acheteurs éventuels de faire les vérifications nécessaires.

Le/les bien(s)-fonds ne comprend/comprennent pas les maisons mobiles qui s'y trouvent.
(Insérer, s'il y a lieu).

La *Loi de 2001 sur les municipalités* et les Règles concernant les ventes pour non-paiement des impôts municipaux adoptées en application de cette loi régissent la vente. L'adjudicataire est tenu de payer le montant de son offre, les impôts accumulés et les droits de cession immobilière applicables.

La municipalité n'est pas tenue d'offrir la libre possession à l'adjudicataire.

Pour obtenir des renseignements supplémentaires sur la vente et une copie de la formule d'offre prescrite, s'adresser à :

Titre	Nom de la municipalité ou du conseil
Adresse de la municipalité ou du conseil	

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

Formule 7

Loi de 2001 sur les municipalités

OFFRE

Destinataire : Nom :

Adresse :

Téléphone :

Objet: Vente de : (description du bien-fonds)

1. La présente constitue, à l'égard du bien-fonds décrit ci-dessus, mon/notre offre de l'ordre de.....\$ (..... dollars) conformément aux conditions de la *Loi de 2001 sur les municipalités* et aux Règles concernant les ventes pour non-paiement des impôts municipaux.
2. Il est entendu que la présente offre doit parvenir au bureau du trésorier au plus tard à 15 heures, heure locale, le.....20..... et que, si elle est acceptée, j'en/nous en serai/serons avisé(e)(s).
3. Mon/notre dépôt est joint sous forme de chèque visé, de traite bancaire ou de mandat de\$ (.....dollars) fait à l'ordre de Ce
(*Nom de la municipalité ou du conseil*)
dépôt d'au moins 20 pour cent du montant de l'offre sera confisqué si je/nous suis/sommes le soumissionnaire retenu et que je/nous ne paie/payons pas le solde du montant de l'offre, les droits de cession immobilière et les impôts accumulés au plus tard 14 jours après que le trésorier m'/nous a avisé(e)(s) que je/nous suis/sommes le plus haut soumissionnaire.

La présente offre est présentée conformément à la *Loi de 2001 sur les municipalités* et aux Règles concernant les ventes pour non-paiement des impôts municipaux.

Fait à, le 20

Nom du soumissionnaire	Nom du soumissionnaire
Adresse du soumissionnaire	Adresse du soumissionnaire

Loi de 2001 sur les municipalités

VENTE DE BIENS-FONDS AUX ENCHÈRES PUBLIQUES

La/Le.....
 (Nom de la municipalité ou du conseil)

Avis est donné que le/les bien(s)-fonds décrit(s) ci-dessous fera/feront l'objet d'une vente aux enchères à .. heures le..... 20 à

Description du/des bien(s)-fonds :

Enchère minimale :\$
 (Indiquer le coût d'annulation en date
 du premier jour de l'annonce)

Les sommes payables par l'adjudicataire doivent être acquittées en entier au moment de la vente sous forme d'espèces, de mandat, de traite bancaire ou de chèque visé par une banque ou une société de fiducie.

Exception faite de ce qui suit, la municipalité ne fait aucune déclaration à l'égard du bien-fonds faisant l'objet de la vente, notamment en ce qui concerne le titre. Il incombe aux acheteurs éventuels de faire les vérifications nécessaires.

Le/les bien(s)-fonds ne comprend/comprennent pas les maisons mobiles qui s'y trouvent.
 (Insérer, s'il y a lieu).

La *Loi de 2001 sur les municipalités* et les Règles concernant les ventes pour non-paiement des impôts municipaux régissent la vente. L'adjudicataire est tenu de payer le montant de son enchère, les impôts accumulés et les droits de cession immobilière applicables.

La municipalité n'est pas tenue d'offrir la libre possession à l'adjudicataire.

Pour obtenir des renseignements supplémentaires sur la vente, s'adresser à :

Titre	Nom de la municipalité ou du conseil
Adresse de la municipalité ou du conseil	

Formule 9

Loi de 2001 sur les municipalités

RENSEIGNEMENTS CONCERNANT LA LOI SUR LES MINES

.....
(Nom de la municipalité ou du conseil)

.....
(Adresse municipale et cité, ville, etc. ou, en l'absence d'une telle adresse, endroit où est situé le bien-fonds.)

En application de la *Loi de 2001 sur les municipalités*, la municipalité ou le conseil indiqué ci-dessus peut vendre le bien-fonds décrit dans le présent document pour arriérés d'impôts.

Description légale :

- ☐ Le bien-fonds décrit dans le présent document est assujéti à un impôt établi en application de la *Loi sur les mines* et, en conséquence, en application de l'article 384 de la *Loi de 2001 sur les municipalités*, l'enregistrement d'un acte d'adjudication ou d'un avis de dévolution entraîne la séparation des droits de surface des droits miniers.

ou

- ☐ Le bien-fonds décrit dans le présent document n'est pas assujéti à un impôt établi en application de la *Loi sur les mines* et, en conséquence, en application de l'article 384 de la *Loi de 2001 sur les municipalités*, l'enregistrement d'un acte d'adjudication ou d'un avis de dévolution n'entraîne pas de séparation des droits de surface des droits miniers.

.....
(Signature de l'employé autorisé du
ministère du Développement du Nord
et des Mines)

Remarque : Il n'est pas nécessaire d'enregistrer le présent document.

DAVID STUART YOUNG
Ministre des Affaires municipales et du Logement

Fait le 1^{er} mai 2003.

21/03

made under the
PLANNING ACT

Made: May 8, 2003
Filed: May 9, 2003

Amending O. Reg. 104/72
(Restricted Areas — Regional Municipality of York — Town of Markham)

Note: Ontario Regulation 104/72 has previously been amended. Those amendments are listed in the Table of Regulations in the Statutes of Ontario, 1981 and 1991 and in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 104/72 is amended by adding the following section:

79. (1) Despite paragraph 1 of section 6a and section 7, an accessory building or structure to the existing dwelling may be erected, located and used on the land described in subsection (2) if the following requirements are met:

Minimum Setback from Front Lot Line	7.5 metres
Minimum Setback from Side Lot Lines	3 metres
Minimum Setback from Rear Lot Line	7.5 metres

(2) Subsection (1) applies to that parcel of land in the Town of Markham in The Regional Municipality of York being part of Lot 26 in Concession VII and further described as property identifier number 03062-0083 registered in the Registry Office for the Registry Division of York (No. 65).

VICTOR DOYLE
Manager
Municipal Services Office — Central Ontario
Ministry of Municipal Affairs and Housing

Dated on May 8, 2003.

21/03

ONTARIO REGULATION 183/03

made under the
PLANNING ACT

Made: May 8, 2003
Filed: May 9, 2003

Amending O. Reg. 102/72
(Restricted Areas — County of Ontario (now The Regional Municipality of Durham),
Township of Pickering (now the City of Pickering))

Note: Ontario Regulation 102/72 has previously been amended. Those amendments are listed in the Table of Regulations in the Statutes of Ontario, 1981 and 1991 and in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 102/72 is amended by adding the following section:

110. (1) Despite section 4, one single dwelling together with accessory buildings and structures may be erected, located and used on the lands described in subsection (2) if the following requirements are met:

Minimum Lot Frontage	150 metres
Minimum Lot Area	8,000 square metres

Minimum Front Yard	12 metres
Minimum Side Yards	3 metres
Minimum Rear Yard	12 metres
Minimum Floor Area	139 square metres
Maximum Lot Coverage	10 per cent

(2) Subsection (1) applies to that parcel of land situated in the City of Pickering in The Regional Municipality of Durham, being that part of Lot 8 in Concession V, described in Instrument Number D184922, Property Identifier Number 26403-0097 (LT) and registered in the Land Registry Office for the Land Titles Division of Durham (No. 40).

VICTOR DOYLE

Manager

*Municipal Services Office — Central Ontario
Ministry of Municipal Affairs and Housing*

Dated on May 8, 2003.

21/03

ONTARIO REGULATION 184/03

made under the

TECHNICAL STANDARDS AND SAFETY ACT, 2000

Made: April 24, 2003

Filed: May 9, 2003

Amending O. Reg. 215/01

(Fuel Industry Certificates)

Note: Ontario Regulation 215/01 has not previously been amended.

1. Subsection 52 (1) of Ontario Regulation 215/01 is revoked and the following substituted:

(1) A person who holds a CDT certificate may install, inspect, alter, purge, activate, repair, service or remove a natural gas or propane-fired agricultural crop drying appliance and the equipment and accessories essential to its operation.

2. This Regulation comes into force 60 days after the day it is filed.

21/03

ONTARIO REGULATION 185/03

made under the

TECHNICAL STANDARDS AND SAFETY ACT, 2000

Made: April 24, 2003

Filed: May 9, 2003

Amending O. Reg. 209/01

(Elevating Devices)

Note: Ontario Regulation 209/01 has not previously been amended.

1. (1) The definition of “mechanic” in subsection 1 (1) of Ontario Regulation 209/01 is revoked and the following substituted:

“mechanic” means a person who has full knowledge of the Act and this Regulation, including the code adoption document respecting the elevating device upon which he or she is assigned to work, and who holds a certificate as a mechanic or ski-lift mechanic under Ontario Regulation 222/01 (Elevating Device Mechanics);

“ski-lift mechanic” means a person who holds a ski-lift mechanic’s certificate under Ontario Regulation 222/01;

2. This Regulation comes into force 60 days after the day it is filed.

21/03

ONTARIO REGULATION 186/03

made under the

TECHNICAL STANDARDS AND SAFETY ACT, 2000

Made: April 24, 2003

Filed: May 9, 2003

Amending O. Reg. 222/01

(Certification and Training of Elevating Device Mechanics)

Note: Ontario Regulation 222/01 has not previously been amended.

1. Subsection 1 (1) of Ontario Regulation 222/01 is amended by adding the following definitions:

“mechanic” has the same meaning as in Ontario Regulation 209/01;

“ski-lift” means a passenger ropeway as defined in Ontario Regulation 209/01;

“ski-lift mechanic” means a person who holds a ski-lift mechanic’s certificate referred to in paragraphs 1 to 4 of subsection 4 (1.1);

2. Section 4 of the Regulation is amended by adding the following subsection:

(1.1) No person shall work on a ski-lift as a ski-lift mechanic without first having obtained a certificate from the director designating the person as one or more of the following:

1. A ski-lift mechanic, class A (an “SLM-A certificate”).

2. A ski-lift mechanic, class B (an “SLM-B certificate”).

3. A ski-lift mechanic, class C (an “SLM-C certificate”).

4. A ski-lift mechanic, class F (an “SLM-F certificate”).

5. A ski-lift mechanic-in-training (“an SLM-T certificate”).

3. Subsection 6 (7) of the Regulation is amended by adding “or SLM-T” before “certificate”.

4. Section 19 of the Regulation is revoked and the following substituted:

SLM-A certificate

19. (1) A person who holds an SLM-A certificate may, without supervision, service, maintain, alter, install and construct any type of passenger ropeway, including detachable grip and reversible aerial lifts, if the holder of the certificate has the required and documented experience.

(2) A holder of an SLM-A certificate who does not have the documented experience referred to in subsection (1) shall not perform the functions referred to in that subsection unless the holder performs them under the supervision of the employer or registered contractor of the holder.

SLM-B certificate

20. (1) A person who holds an SLM-B certificate may, without supervision, service, maintain, alter and install any type of fixed grip aerial lifts and surface lifts if the holder of the certificate has the required and documented experience.

(2) A holder of an SLM-B certificate who does not have the documented experience referred to in subsection (1) shall not perform the functions referred to in that subsection unless the holder performs them under the supervision of the employer or registered contractor of the holder.

SLM-C certificate

21. (1) A person who holds an SLM-C certificate may, without supervision, service, maintain, alter and install any type of surface lift if the holder of the certificate has the required and documented experience.

(2) A holder of an SLM-C certificate who does not have the documented experience referred to in subsection (1) shall not perform the functions referred to in that subsection unless the holder performs them under the supervision of the employer or registered contractor of the holder.

SLM-F certificate

22. (1) A person who holds an SLM-F certificate may, without supervision, test, examine and inspect passenger ropeways if the holder of the certificate has the required and documented experience.

(2) A holder of an SLM-F certificate who does not have the documented experience referred to in subsection (1) shall not perform the functions referred to in that subsection unless the holder of the certificate performs them under the supervision of a holder of an SLM-A, SLM-B or SLM-C certificate.

(3) A professional engineer may test, examine and inspect passenger ropeways without holding an SLM-F certificate.

SLM-T certificate

23. (1) A person who holds an SLM-T certificate may perform the functions that a holder of an SLM-A, SLM-B, SLM-C or SLM-F certificate holder may perform if the qualified mechanic has documented that the holder of the SLM-T certificate has the necessary skills to perform the functions and has signed the document to that effect.

(2) The holder of an SLM-T certificate who does not have the documented skills may not perform any of the functions that the holder of any of the other certificates mentioned in subsection (1) may perform unless the holder of the SLM-T certificate performs them under the direct supervision of a holder of the relevant certificate.

Transition, provisional certificates

24. (1) Despite subsection 4 (1.1), a person may work on a ski-lift as a ski-lift mechanic on or after the day Ontario Regulation 186/03 comes into force if, on the day that Regulation comes into force, he or she holds a provisional certificate of qualification obtained from the director.

(2) All provisional certificates of qualification referred to in subsection (1) expire on January 1, 2004 and are not renewable.

(3) A person who holds a provisional certificate of qualification on the day Ontario Regulation 186/03 comes into force may obtain a certificate referred to in subsection 4 (1.1) that corresponds to the provisional certificate if, before January 1, 2004, the holder,

- (a) completes a program approved by the director provided through an accredited training organization; and
- (b) successfully passes the qualifying examination at the conclusion of the program.

5. This Regulation comes into force 60 days after the day it is filed.

21/03

ONTARIO REGULATION 187/03

made under the

TECHNICAL STANDARDS AND SAFETY ACT, 2000

Made: April 24, 2003

Filed: May 9, 2003

CERTIFICATION AND TRAINING OF AMUSEMENT DEVICE MECHANICS

Definitions

1. (1) In this Regulation,

“amusement device” has the same meaning as in Ontario Regulation 221/01;

“amusement ride” has the same meaning as in Ontario Regulation 221/01;

“bungee” has the same meaning as “bungee ride or bungee-type device” in Ontario Regulation 221/01;

“direct supervision” means supervision provided by an on-site mechanic who is qualified to work on the equipment on which work is being performed and is readily available to assist in the performance of the work;

is being performed and is readily available to assist in the performance of the work, but who is not in proximity to where the work is being performed;

“go-kart” has the same meaning as in Ontario Regulation 221/01;

“go-kart track” has the same meaning as in Ontario Regulation 221/01;

“mechanic” means a person who holds a certificate referred to in subsection 3 (1);

“mechanic-in-training” means a person working under the supervision of a mechanic for the purpose of obtaining the qualifying time required for a certificate referred to in subsection 3 (1);

“water slide” has the same meaning as in Ontario Regulation 221/01.

(2) A reference in this Regulation to a director is a reference to the director to whom the subject matter of this Regulation is assigned.

Requirement for compliance

2. (1) Every person engaged in an activity, use of equipment, process or procedure to which the Act and this Regulation apply shall comply with the Act and this Regulation.

(2) For the purposes of subsection (1), the reference to an activity, use of equipment, process or procedure includes, but is not limited to, design, construction, erection, installation, maintenance, alteration, service or operation of an amusement device or any part of an amusement device.

(3) A supervising certificate holder shall not certify that a mechanic has the experience required under this Regulation unless he or she has ensured that the person has in fact the required experience.

Certificate

3. (1) No person shall carry out work on an amusement device as a mechanic without having first obtained one of the following certificates from the director:

1. An amusement device mechanic-amusement ride (an “ADM-AR certificate”).
2. An amusement device mechanic-go-kart (an “ADM-GK certificate”).
3. An amusement device mechanic-water slide (an “ADM-WS certificate”).
4. An amusement device mechanic-bungee (an “ADM-B certificate”).
5. An amusement device mechanic-inflatable (an “ADM-I certificate”).

(2) Despite subsection (1), a person is not required to obtain a certificate under subsection (1) if the person,

- (a) is an employee or agent of the original equipment manufacturer of the device and the original equipment manufacturer has trained the employee or agent to perform the tasks assigned by the original equipment manufacturer;
- (b) is licensed and qualified under the *Apprenticeship and Certification Act, 1998* or the *Trades Qualification and Apprenticeship Act* to carry out work for which the certificate would otherwise be required, as long as the person carries out the work under the general supervision of a mechanic;
- (c) carries out work on an amusement device that is of a housekeeping nature only, and does not include removing, dismantling, replacing, adjusting or changing components of the device.

Application requirements

4. An application for a certificate shall be in a form published by the designated administrative authority, include documents that attest to the fact that the applicant has the necessary practical skills and experience for the certificate applied for and be accompanied by the non-refundable fee set by the administrative authority.

Conditions for obtaining certificate

5. (1) An applicant for a certificate shall have successfully completed one or more examinations conducted or approved by the director demonstrating that the applicant possesses the necessary knowledge and competence for the certificate applied for.

(2) An applicant who fails an examination may apply to re-write it and may re-write it if at least 30 days have passed since the applicant took the examination.

(3) An applicant who fails an examination on three successive attempts may not re-write it again unless he or she undertakes six months further training and successfully completes a practical skills assessment approved by the director.

(4) An applicant is not required to comply with subsection (1) with respect to the taking of examinations or with subsection (3) with respect to the practical skills assessment if the director is satisfied that the applicant possesses the necessary knowledge and competence for the certificate applied for.

(5) An applicant shall provide proof of documented experience relevant to the certificate applied for that has been signed off by a mechanic who holds that certificate.

Renewal of certificate

6. (1) An application to renew a certificate shall be made to the director and be accompanied by the fee set by the designated administrative authority.

(2) An application for renewal shall be made before the applicant's certificate expires.

(3) If a mechanic fails to renew his or her certificate before it expires, the mechanic shall not work as a mechanic after the date of expiry of the certificate but may apply for a renewal to the director.

(4) If a mechanic applies for a renewal of a certificate under subsection (3), the director shall renew it if,

(a) the application is made within 12 months of the expiry date of the certificate;

(b) the applicant pays the fee set by the designated administrative authority; and

(c) the applicant meets the requirements for the certificate.

(5) If a mechanic applies for a renewal of a certificate more than 12 months after the expiry date of the certificate, the application shall be treated as a new application, and the applicant shall,

(a) pass a written examination conducted or approved by the director with respect to the subject matter of the certificate applied for; and

(b) include in the application a completed declaration of work experience in a format acceptable to the director.

(6) The period of validity of a renewed certificate is two years from the date of expiry of the certificate that has been renewed.

Term of certificate, immediate suspension and revocation

7. (1) Every certificate expires on the second anniversary of the holder's date of birth after it is issued.

(2) The expiry date of a certificate held by a person is unaffected by the obtaining by that person of an additional certificate or certificates.

(3) Subject to section 7 of the Act, the director may, at any time, revoke or suspend any certificate held by a holder if the director is of the opinion that the holder is not qualified to work competently within the scope of the certificate because,

(a) the holder no longer meets the qualifications for the certificate; or

(b) the holder has not demonstrated the standards of competence that are required for the certificate.

(4) If the director immediately revokes or suspends a certificate under subsection (3), the holder whose certificate is revoked shall surrender it immediately on demand and shall not work as a mechanic within the scope of the certificate that has been revoked.

ADM-AR certificate

8. (1) A person who holds an ADM-AR certificate may, without supervision, perform service and maintenance work, including erection and dismantling, on an amusement ride or any part of it, but only if the person has 8,000 hours of experience on that class of device and that experience has been documented and signed off by a mechanic or licensee.

(2) A holder of an ADM-AR certificate who does not have the required documented experience on a class of device shall not perform the functions referred to in subsection (1) without supervision by the holder of an ADM-AR certificate who has such experience.

ADM-GK certificate

9. (1) A person who holds an ADM-GK certificate may, without supervision, perform service and maintenance work, including erection and dismantling, with respect to a go-kart, including a go-kart track, but only if the person has 1,800 hours of experience on go-karts and that experience has been documented and signed off by a mechanic or licensee.

(2) A holder of an ADM-GK certificate who does not have the required documented experience on go-karts shall not perform the functions referred to in subsection (1) without supervision by the holder of an ADM-GK certificate who has such experience.

ADM-WS certificate

10. (1) A holder of an ADM-WS certificate may, without supervision, perform service and maintenance functions, including erection and dismantling, with respect to a water slide, but only if the person has 1,800 hours of experience on water slides and that experience has been documented and signed off by a mechanic or licensee.

perform the functions referred to in subsection (1) without supervision by the holder of an ADM-WS certificate who has such experience.

ADM-B certificate

11. (1) A holder of an ADM-B certificate may, without supervision, perform service and maintenance functions, including erection and dismantling, with respect to a bungee, but only if the person has 3,200 hours of experience on a bungee and that experience has been documented and signed off by a mechanic or licensee.

(2) A holder of an ADM-B certificate who does not have the required documented experience on a class of device shall not perform the functions referred to in subsection (1) without supervision by the holder of an ADM-B certificate who has such experience.

ADM-I

12. (1) A holder of an ADM-I certificate may, without supervision, perform installation, service and maintenance functions, including erection and dismantling, with respect to an inflatable device, but only if the person has 240 hours of experience on that class of inflatable device and that experience has been documented and signed off by a mechanic or licensee.

(2) A holder of an ADM-I certificate who does not have the required documented experience on a class of device shall not perform the functions referred to in subsection (1) without supervision by the holder of an ADM-I certificate who has such experience.

Exemption

13. (1) Despite sections 8, 9, 10, 11 and 12, a person who holds a certificate may, without the required documented experience, carry out the work authorized by the certificate if all of the following conditions are met:

1. Ownership in the amusement device to be worked on has been transferred to the present owner by an owner who put the device into operation at least once.
2. The person has been trained on the device by a mechanic with the required documented experience or by the original equipment manufacturer.
3. The original equipment manufacturer or its successor is no longer in business.

(2) If a person has been trained by a mechanic with the required documented experience or by the original equipment manufacturer under paragraph 2 of subsection (1), a statutory declaration to that effect shall be prepared and, on request, shall be produced to the person making the request.

Certificate not transferable

14. A certificate is not transferable.

Change of address

15. (1) A person who holds a certificate shall notify the director within 30 days of a change in address.

(2) The director is not responsible for misdirected notices or renewals resulting from the certificate holder's failure to comply with subsection (1).

Transition: previous authorizing documents

16. (1) Despite anything in this Regulation, a person who, before the coming into force of this Regulation, was issued a document authorizing the person to work on an amusement device may continue to do so up to and including March 31, 2004.

(2) Any document authorizing a person to work on an amusement device that was issued to the person before the coming into force of this Regulation ceases to be valid as soon as the person is issued a certificate under this Regulation.

Commencement

17. **This Regulation comes into force 60 days after the day it is filed.**

21/03

ONTARIO REGULATION 188/03

made under the

TECHNICAL STANDARDS AND SAFETY ACT, 2000

Made: April 24, 2003

Filed: May 9, 2003

Amending O. Reg. 221/01

(Amusement Devices)

Note: Ontario Regulation 221/01 has not previously been amended.

1. The definition of “mechanic” in subsection 1 (1) of Ontario Regulation 221/01 is revoked and the following substituted:

“mechanic” means a person who holds a certificate referred to in subsection 3 (1) of Ontario Regulation 187/03;

2. Subsection 2 (2) of the Regulation is amended by adding the following paragraph:

3.1 Trains known as model trains that operate on a track with an internal gauge of 12 inches or less, operate at a speed of 12 kilometres per hour or less and are operated primarily for demonstration purposes in support of railroad heritage or technology.

3. (1) Subject to subsection (2), this Regulation comes into force on filing.

(2) Section 1 comes into force 60 days after the day this Regulation is filed.

21/03

ONTARIO REGULATION 189/03

made under the

RETAIL SALES TAX ACT

Made: April 3, 2003

Filed: May 9, 2003

Amending Reg. 1012 of R.R.O. 1990

(Definitions by Minister, Exemptions, Forms and Rebates)

Note: Regulation 1012 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 1012 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

REBATE UNDER CLAUSE 48 (3) (r) OF THE ACT

32. (1) In this section,

“newly-constructed home” means a residential premises in respect of which the purchaser is entitled to a warranty under section 13 of the *Ontario New Home Warranties Plan Act* and which is sold to the purchaser by a vendor as defined in that Act;

“residential premises” means a premises that is used, or is intended to be used, for residential purposes and includes a multi-residential building;

“solar energy system” means a system that operates solar photovoltaic collector panels or solar thermal collector panels and includes any expansion or upgrade to such a system.

(2) A solar energy system that operates solar photovoltaic collector panels includes,

(a) wiring, controllers and devices that convert direct current into alternate current, if the wiring, controller or device is sold to be used as part of the system or an expansion or upgrade to the system; and

(b) the first battery used to store the energy produced by the system.

insulated energy storage tanks, if the wiring, pump, tubing, heat exchanger or storage tank is sold to be used as part of the system or an expansion or upgrade to the system.

(4) The Minister may rebate tax in accordance with this section in respect of solar energy systems purchased and incorporated into residential premises after November 25, 2002 and before November 26, 2007.

(5) No rebate is payable under this section unless the application for the rebate is made within four years after the day on which the tax to be rebated was paid.

(6) The Minister may rebate tax under this section to the owner of residential premises in an amount equal to the amount of tax paid under the Act by the owner for the purchase of the solar energy system.

(7) The Minister may rebate tax under this section to the builder of a newly-constructed home in an amount equal to the amount of tax paid under the Act by the builder for the purchase of the solar energy system.

(8) The owner of residential premises is not eligible for a rebate under this section for the purchase of a solar energy system if a builder is eligible for a rebate under this section in respect of the same purchase.

(9) The Minister may rebate tax under this section to the owner of a residential premises in respect of a solar energy system purchased and incorporated into the premises by a contractor under a written contract, and the amount of the rebate is determined as follows:

1. For payments made by the owner of the residential premises in satisfaction of the contract price that are subject to the tax imposed by Part IX of the *Excise Tax Act* (Canada), 3 per cent of the sum of those payments and that tax.
2. For all other payments made by the owner of the residential premises in satisfaction of the contract price, 3.4 per cent of those payments.

(10) For the purposes of subsection (9), the contract price does not include any amount attributable to any of the following:

1. Land or land improvement costs.
2. The cost of obtaining a performance bond.
3. Charges for development or for project consulting services.
4. Building permit fees.
5. Equipment rental charges.
6. The cost of tangible personal property that may be exempt from tax under the Act otherwise than under this section.

(11) Despite subsection (9), if the owner of the residential premises establishes that the amount of the rebate determined under subsection (9) is less than the amount of tax paid under the Act by the contractor for the purchase of the solar energy system, the amount of the rebate to the owner is the amount of tax paid under the Act by the contractor.

(12) An application for a rebate under this section must be made in writing and must include such information and documents as the Minister may specify.

JANET ECKER
Minister of Finance

Dated on April 3, 2003.

21/03



Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—05—31

ONTARIO REGULATION 190/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: May 7, 2003

Filed: May 12, 2003

Amending O. Reg. 339/02

(Electricity Pricing)

Note: Since the end of 2002, Ontario Regulation 339/02 has been amended by Ontario Regulations 51/03, 99/03 and 126/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 3 (2) of Ontario Regulation 339/02 is revoked and the following substituted:

(2) Despite subsection (1), subsections 79.1 (1) and (14) of the Act do not apply to PUC Distribution Inc. with respect to a consumer if, during the entire period that it distributed electricity to the consumer after April 30, 2002 and before December 1, 2002, it retailed electricity to the consumer pursuant to its obligations under section 29 of the *Electricity Act, 1998*.

(2.1) Despite subsection (1), subsection 79.1 (1) of the Act does not apply to Fort Frances Power Corporation Distribution Inc. with respect to a consumer if, during the entire period that it distributed electricity to the consumer after April 30, 2002 and before December 1, 2002, it retailed electricity to the consumer pursuant to its obligations under section 29 of the *Electricity Act, 1998*.

2. The Regulation is amended by adding the following sections:

Payments under subs. 79.1 (14) of the Act

3.1.2 (1) Despite section 3.1 and subject to subsection (3), the amount of a payment under subsection 79.1 (14) of the Act by Fort Frances Power Corporation Distribution Inc. to a designated consumer who had an account with it shall be determined in accordance with the following formula:

$$A - B$$

where,

A = subject to subsection (2), the total amount that the consumer was charged by Fort Frances Power Corporation Distribution Inc. in respect of the commodity price for electricity used, other than electricity that is reasonably attributed to the volume of electricity that was supplied to Fort Frances Power Corporation Distribution Inc. by Abitibi-Consolidated Inc., including total losses, during the period from May 1, 2002 to March 31, 2003,

B = subject to subsection (2), the total amount that the consumer would have been charged by Fort Frances Power Corporation Distribution Inc. in respect of the commodity price for electricity used, other than electricity that is reasonably attributed to the volume of electricity that was supplied to Fort Frances Power Corporation Distribution Inc. by Abitibi-Consolidated Inc., during the period from May 1, 2002 to March 31, 2003, if the commodity price for electricity had been 4.3 cents per kilowatt hour during that period.

(2) If May 1, 2002 falls within a billing period that includes any day before that day, or if March 31, 2003 falls within a billing period that includes any day after that day, Fort Frances Power Corporation Distribution Inc. may, for the purpose of subsection (1), estimate the amounts charged during that billing period that relate to electricity used during the period from May 1, 2002 to March 31, 2003.

(3) The amount of the payment that Fort Frances Power Corporation Distribution Inc. is required to make under subsection 79.1 (14) of the Act to a designated consumer is the amount determined under subsection (1) or zero, whichever is greater.

(4) If Fort Frances Power Corporation Distribution Inc. is required to make a payment under subsection 79.1 (14) of the Act to a designated consumer, it shall do so by,

(a) crediting the consumer's account and showing the credit on an invoice issued to the consumer; or

- (b) delivering a cheque or some other form of payment mutually agreed on to the consumer at the address provided by the consumer or at such other location as may be mutually agreed upon.

Obligation to make payments under subs. 79.1 (16) of Act

3.2.5 (1) For the purposes of subsection 79.1 (16) of the Act, Fort Frances Power Corporation Distribution Inc. shall make a payment to a consumer,

- (a) with whom it had an account at any time between May 1, 2002 and March 31, 2003;
 - (b) who it charged as a residential customer; and
 - (c) who has not received and is not eligible to receive any payment under Part V of the Act, other than a payment under this section.
- (2) A consumer shall make a request for a payment under subsection (1) by September 30, 2003.

(3) Subject to subsection (4), the amount of the payment to the consumer under subsection (1) shall be calculated in accordance with section 3.2.6.

(4) The payment made by Fort Frances Power Corporation Distribution Inc. under subsection (1) shall be made in respect of electricity used by the consumer other than that electricity that was reasonably attributed to the volume of electricity that is supplied to Fort Frances Power Corporation Distribution Inc. by Abitibi-Consolidated Inc.

Calculation of payments under subs. 79.1 (16) of the Act

3.2.6 (1) Subject to subsection (3), the amount of a payment by Fort Frances Power Corporation Distribution Inc. to a consumer as required by section 3.2.5 shall be determined in accordance with the following formula:

$$(A - B)$$

where,

A = subject to subsection (2), the total amount that the consumer was charged by Fort Frances Power Corporation Distribution Inc. in respect of the commodity price for the electricity described in subsection 3.2.5 (4) used, including total losses, during the period from May 1, 2002 to March 31, 2003,

B = subject to subsection (2), the total amount that the consumer would have been charged by Fort Frances Power Corporation Distribution Inc. in respect of the commodity price for the electricity described in subsection 3.2.5 (4) used, including total losses, during the period from May 1, 2002 to March 31, 2003, if the commodity price for the electricity had been 4.3 cents per kilowatt hour during that period.

(2) If May 1, 2002 falls within a billing period that includes any day before that day, or if March 31, 2003 falls within a billing period which includes any day after that day, Fort Frances Power Corporation Distribution Inc. may, for the purpose of subsection (1), estimate the amounts charged during that billing period that relate to electricity used during the period from May 1, 2002 to March 31, 2003.

(3) The amount of the payment that Fort Frances Power Corporation Distribution Inc. is required to make under section 3.2.5 to a consumer is the amount determined under subsection (1) or zero, whichever is greater.

(4) If Fort Frances Power Corporation Distribution Inc. is required to make a payment under section 3.2.5, it shall do so by,

- (a) crediting the consumer's account and showing the credit on an invoice issued to the consumer; or
- (b) delivering a cheque or some other form of payment mutually agreed on to the consumer at the address provided by the consumer or at such other location as may be mutually agreed upon.

22/03

made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: May 7, 2003
Filed: May 12, 2003

Amending O. Reg. 341/02
(Payments Re Sections 79.1 and 79.2 of the Act)

Note: Since the end of 2002, Ontario Regulation 341/02 has been amended by Ontario Regulations 52/03 and 100/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 341/02 is amended by adding the following sections:

Payments by the IMO to Fort Frances Power

14.8 (1) In this section,

“entitled Fort Frances Power consumer” means a consumer entitled to a payment under subsection 79.1 (16) of the Act by virtue of section 3.2.5 of Ontario Regulation 339/02 (Electricity Pricing);

“Fort Frances Power” means Fort Frances Power Corporation Distribution Inc.

(2) The IMO shall make a payment to Fort Frances Power that is equal to the aggregate of the payments that Fort Frances Power is required to make under subsection 79.1 (16) of the Act to entitled Fort Frances Power consumers.

(3) The IMO shall make the payment required by subsection (2) after receiving a statement from Fort Frances Power setting out the number of entitled Fort Frances Power consumers to whom Fort Frances Power is required to make a payment under subsection 79.1 (16) of the Act and the total amount payable by Fort Frances Power to those consumers.

(4) The IMO shall make a payment required by this section by paying Fort Frances Power an amount payable to it under this section or by way of set-off of the amount against amounts payable to the IMO by Fort Frances Power.

(5) The IMO shall make the payment required by this section to Fort Frances Power even if Fort Frances Power has not yet made any payments to entitled Fort Frances Power consumers under subsection 79.1 (16) of the Act.

(6) Fort Frances Power shall provide the following information to the IMO and the Financial Corporation forthwith after making the payments required under subsection 79.1 (16) of the Act to entitled Fort Frances Power consumers:

1. The number of entitled Fort Frances Power consumers to whom Fort Frances Power made a payment under subsection 79.1 (16) of the Act.
2. The total amount paid by Fort Frances Power under subsection 79.1 (16) of the Act to those entitled Fort Frances Power consumers.

Payments by the Financial Corporation to the IMO re Fort Frances Power

14.9 (1) The Financial Corporation shall make a payment to the IMO equal to the amount, if any, that the IMO is required to make to Fort Frances Power under section 14.8.

(2) The Financial Corporation shall make the payment required by subsection (1) after receiving from the IMO such information as the Financial Corporation may require concerning Fort Frances Power and the payments to be made by the IMO under section 14.8.

(3) The Financial Corporation shall make the payment required by subsection (1) even if the IMO has not yet made any payment to Fort Frances Power under section 14.8.

(4) The Financial Corporation may make the payment required by subsection (1) by paying the amount to the IMO or by way of set-off of the amount in the accounts maintained by the IMO, at the option of the Financial Corporation.

(5) In this section,

“Fort Frances Power” means Fort Frances Power Corporation Distribution Inc.

22/03

ONTARIO REGULATION 192/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: May 14, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03, 32/03 and 125/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by striking out the following item:

COLUMN 1	COLUMN 2
Huron (No. 22)	February 10, 2003

(2) The Table to subsection 3 (2) of the Regulation is amended by adding the following item:

COLUMN 1	COLUMN 2
Huron (No. 22)	May 14, 2003

TIMOTHY PATRICK HUDAK

Minister of Consumer and Business Services

Dated on February 10, 2003.

22/03

ONTARIO REGULATION 193/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: May 14, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03, 32/03, 125/03 and 192/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by striking out the following item:

COLUMN 1	COLUMN 2
Perth (No. 44)	February 10, 2003

(2) The Table to subsection 3 (2) of the Regulation is amended by adding the following item:

COLUMN 1	COLUMN 2
Perth (No. 44)	May 14, 2003

TIMOTHY PATRICK HUDAK

Minister of Consumer and Business Services

Dated on February 10, 2003.

22/03

made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: May 7, 2003
Filed: May 14, 2003

Amending O. Reg. 200/02
(Consumer Protection)

Note: Ontario Regulation 200/02 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 2 (1) of Ontario Regulation 200/02 is amended by adding the following paragraph:

2.2 Structuring the billing arrangements in a contract that is renewed or extended for a period of one year or less in a fashion that misleads or deceives the consumer in respect of the monthly costs of the renewed or extended contract during the period when the consumer may cancel the renewed or extended contract.

(2) Paragraph 6 of subsection 2 (1) the Regulation is revoked and the following substituted:

6. Despite the terms of any contract and subject to the rules for an extension or renewal of a contract for a period of one year or less provided in subsection 6 (2.1), amending any term of a contract for the provision of electricity or gas to a consumer without the express written consent of the consumer given not more than one month before the amendment is made.

2. (1) Subsection 6 (1) of the Regulation is amended by adding the following clause:

(0.a) the contract,

(i) contains a provision that allows for its renewal or extension, and

(ii) no matter how many times it is renewed or extended and subject to subsections (2) and (2.1), the contract is renewed or extended in total for a period no longer than the renewal or extension period contemplated in the provision in the contract;

(2) Clause 6 (1) (c) of the Regulation is revoked and the following substituted:

(c) the contract is renewed or extended,

(i) in accordance with subsection (2), in the case of a contract that is renewed or extended for a period of more than one year, or

(ii) in accordance with subsection (2.1), in the case of a contract that is renewed or extended for a period of one year or less.

(3) Subsection 6 (2) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(2) The following rules apply to the renewal or extension of a contract for a period of more than one year:

(4) Section 6 of the Regulation is amended by adding the following subsections:

(2.1) The following rules apply to the renewal or extension of a contract for a period of one year or less:

1. Not less than 60 days before and more than 120 days before the renewal or extension date of the contract, the retailer of electricity or gas marketer must give the consumer written notice, in not less than 12 point type in each case except for the copy of the original contract, that includes,

i. the changes to the contract,

ii. a copy of the original contract,

iii. a statement of all the information required under subsection 88.10 (1) of the Act,

iv. in the case of a contract for the provision of electricity,

A. the price that would be payable by the consumer for the provision of electricity if the contract is not cancelled, expressed per kilowatt hour of electricity, and

B. the price that would be payable by the consumer if the contract is cancelled and the consumer purchases electricity directly from the consumer's local electricity distributor, expressed per kilowatt hour of electricity,

- v. a cancellation form,
 - vi. the renewal or extension date of the contract and the options that are available to the consumer as of that date, of which one option must be that the consumer may cancel the contract,
 - vii. the fact that the contract will be renewed or extended unless the consumer gives written notice of their intention to cancel the contract within 30 days after the consumer receives notice under this paragraph, and
 - viii. the fact that the consumer may also cancel the contract within 35 days after the first bill under the renewed or extended contract is sent.
2. The cancellation form must clearly indicate, in not less than 12 point type,
- i. that the consumer may use the form to cancel the contract or may cancel the contract in writing in any way, as long as it indicates the consumer's intention to cancel the contract,
 - ii. that the consumer may give notice of the cancellation at the postal address or the electronic mail address that must be included in the form,
 - iii. that the consumer may reach the retailer of electricity or gas marketer by telephone at the toll-free telephone number that must be included in the form,
 - iv. that, in the absence of its cancellation by the consumer, the retailer of electricity or gas marketer will renew or extend the contract without any changes, other than the changes described, in not less than 12 point type, on the form, to the terms of the contract and the price for the provision of electricity or gas.
3. The contract is renewed or extended for a period of no more than one year if the retailer of electricity or gas marketer complies with paragraphs 1 and 2 and the consumer does not give written notice of cancellation of the contract under subparagraph 1 vii.
4. Despite the renewal or extension of the contract under paragraph 3, a consumer may give written notice of cancellation of the contract within 35 days after receiving their first bill under the renewed or extended contract.

(2.2) Where notice is given under subsection (2.1) other than by personal service, it shall be deemed to have been given when sent.

22/03

ONTARIO REGULATION 195/03

made under the

NORTHERN SERVICES BOARDS ACT

Made: May 13, 2003

Filed: May 14, 2003

Amending Reg. 737 of R.R.O. 1990
(Local Services Boards)

Note: Since the end of 2002, Regulation 737 has been amended by Ontario Regulations 69/03, 70/03 and 76/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 43 (4) of Regulation 737 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

- (4) The Board may exercise the powers set out in paragraphs 2, 6 and 8 of the Schedule to the Act.

JIM WILSON
Minister of Northern Development and Mines

Dated on May 13, 2003.

22/03

ONTARIO REGULATION 205/94

made under the

DENTISTRY ACT, 1991

Made: March 28, 2003
Approved: May 7, 2003
Filed: May 14, 2003

Amending O. Reg. 205/94
(General)

Note: Ontario Regulation 205/94 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 205/94 is amended by adding the following Part:

**PART III
AMALGAM WASTE DISPOSAL**

9. (1) The document entitled the "Standard of Practice of the Profession for Amalgam Waste Disposal", as published and amended from time to time by the College, is prescribed as a standard of practice for the profession, for the purpose of reducing the amount of dental amalgam which directly or indirectly enters the sewage system through wastewater from dental offices.

(2) The College shall ensure that the Standard of Practice and amendments to it are circulated among the members.

(3) Each member who owns or controls a dental practice in Ontario, whether directly or indirectly, including ownership or control through a health profession corporation or other corporation shall,

(a) ensure that every dental office maintained by a member in Ontario in which any dental amalgam is placed, repaired or removed has a properly installed dental amalgam device which meets or exceeds the standard entitled "Dental Equipment-Amalgam Separators" made by the International Organization for Standardization;

(b) ensure that in every dental office maintained by a member in Ontario in which any dental amalgam is placed, repaired or removed, the amalgam waste is properly disposed of; and

(c) ensure that the Standard of Practice is complied with.

(4) A member who, in Ontario, places, repairs or removes for a patient any dental amalgam or authorizes the placement, repair or removal for a patient of any dental amalgam, but who does not own or control, either directly or indirectly, the dental practice in which the placement, repair or removal is being performed shall take all reasonable steps to ensure that the requirements of subsection (3) and of the Standard of Practice are being complied with.

(5) A member shall not, in Ontario, place, repair or remove for any patient any dental amalgam or authorize the placement, repair or removal for a patient of any dental amalgam where the member knows, or reasonably ought to know, that the requirements of subsection (3) and of the Standard of Practice have not been complied with.

2. This Regulation comes into force on November 15, 2003.

COUNCIL OF THE ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO:

CAMERON WITMER
President

IRWIN FEFERGRAD
Registrar

Dated on March 28, 2003.

22/03

ONTARIO REGULATION 197/03

made under the

HOMES FOR THE AGED AND REST HOMES ACT

Made: May 7, 2003

Filed: May 14, 2003

Amending Reg. 637 of R.R.O. 1990

(General)

Note: Since the end of 2002, Regulation 637 has been amended by Ontario Regulation 60/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 637 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**DISTRICT OF ALGOMA**

58.1 For the purposes of the Act, the Territorial District of Algoma is divided into two parts as follows:

1. Algoma comprising all of the Territorial District of Algoma, except for the territory described in paragraph 2.
 2. Sault Ste. Marie comprising the parts of the Territorial District of Algoma within the boundaries of the City of Sault Ste. Marie and the territory without municipal organization that is within the planning area for the Sault North Planning Board.
- 2. Schedule 1 to the Regulation is revoked and the following substituted:**

SCHEDULE 1**THE BOARD OF MANAGEMENT FOR THE DISTRICT OF ALGOMA**

The board of management for the District of Algoma shall consist of nine members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the City of Elliot Lake,
 - ii. The Corporation of the Township of the North Shore, and
 - iii. The Corporation of the Township of Shedden.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Blind River, and
 - ii. The Corporation of the Municipality of Huron Shores.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Township of Michipicoten,
 - ii. The Corporation of the Township of White River,
 - iii. The Corporation of the Township of Hornepayne, and
 - iv. The Corporation of the Township of Dubreuilville.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
 - i. The Corporation of the Town of Bruce Mines,
 - ii. The Corporation of the Town of Thessalon,
 - iii. The Corporation of the Village of Hilton Beach,
 - iv. The Corporation of the Township of Jocelyn,
 - v. The Corporation of the Township of Johnson,
 - vi. The Corporation of the Township of Laird,
 - vii. The Corporation of the Township of Macdonald, Meredith, and Aberdeen Additional,

- Department of the Township of Hammerhead,
- ix. The Corporation of the Township of Prince,
 - x. The Corporation of the Township of St. Joseph,
 - xi. The Corporation of the Township of Tarbutt and Tarbutt Additional, and
 - xii. The Corporation of the Township of Hilton.

3. This Regulation comes into force on April 30, 2004.

22/03

ONTARIO REGULATION 198/03

made under the

PLANNING ACT

Made: May 15, 2003
Filed: May 15, 2003

**ZONING AREA — REGIONAL MUNICIPALITY OF HALTON,
TOWN OF OAKVILLE**

Application of Order

1. This order applies to land in the Town of Oakville in The Regional Municipality of Halton, being the land outlined in red on a map numbered 211 and identified by stamp of the Registrar of Regulations on May 12, 2003 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Use of Land

2. Every use of land and the erection, location or use of any building or structure is prohibited on the land described in section 1 except,

- (a) temporary surface parking and storage of new vehicles prior to distribution for sale; and
- (b) two accessory trailers.

Terms of use

3. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Revocation

4. This Order is revoked on July 1, 2004.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on May 15, 2003.

22/03

ONTARIO REGULATION 199/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: May 14, 2003

Filed: May 15, 2003

CONTROL OF WEST NILE VIRUS

Determination if action required

1. A medical officer of health shall make a determination, based upon a local risk assessment in accordance with the document published by the Ministry of Health and Long-Term Care entitled *West Nile Virus Preparedness and Prevention Plan for Ontario*, whether action is required by a municipality to decrease the risk of West Nile Virus to persons either inside or outside the health unit served by the medical officer of health.

Notice to municipality

2. (1) Where the medical officer of health has determined that action is required, he or she may give notice to the municipality of the required action.

(2) In determining required actions under subsection (1), the medical officer of health shall have regard to,

- (a) the document mentioned in section 1; and
- (b) the generally accepted practices in the field of public health with regard to decreasing the risk of West Nile virus to persons.

Must comply

3. A municipality shall comply with any requirements set out in the notice.

What may be required

4. Action required under this Regulation may include, without being limited to,

- (a) requirements respecting source reduction measures;
- (b) requirements respecting surveillance;
- (c) requirements respecting public awareness campaigns about personal protection;
- (d) requirements respecting the control measures for larviciding and adulticiding set out in Table 1; and
- (e) requirements respecting the time within which the action shall be taken.

TABLE 1

LARVICIDING AND ADULTICIDING IN ONTARIO

WEST NILE VIRUS RESPONSE

"Triggers" based on surveillance of WNV positive humans, birds, mosquito pools or mammals (horses)

Current-Year WNV findings in Health Unit or municipality	Last Year's WNV findings in Health Unit or municipality	Preparatory Status (Larval surveys, mosquito trapping, mapping, training, etc.)	Larviciding ACTION	Adulticiding ACTION
No West Nile virus found yet	No West Nile virus found; virus found in adjacent Health Unit(s)	Not yet done	Do the preparatory work, then larvicide where indicated	Not indicated
No virus found yet	Virus found	Not yet done	Do the preparatory work, then larvicide where indicated	Not indicated
No virus found yet	Virus found	Done last year and under way this year	Larvicide where indicated	Not indicated

Current Year WNV findings in Health Unit or municipality	Last Year's WNV findings in Health Unit or municipality	Preparatory Status (Larval surveys, mosquito trapping, mapping, training, etc.)	Larviciding ACTION	Adulticiding ACTION
Virus found in <u>non</u> -human (dead bird, mosquito pool or mammal) – isolated or as a “hot spot”	Virus found or not found	Done or under way this year	If a “hot spot” and larvae are present, larvicide around this “hot spot” (if not too late in the season)	Adulticide a 3-km “Zone” ONLY IF there are high-risk indicators of transmission to humans*
<u>Human</u> case(s) - one or a few in a space-time “cluster”	Virus found or not found	Done or under way this year	Larvicide around the case or cluster if larvae are present (and if not too late in season)	Adulticide a 3-km radius Zone around the case or cluster
Human cases continue to occur; continued high-risk indicators*	Virus found or not found	Done or under way this year	Larvicide widely where larvae are found (if not too late in season)	Adulticide 3-km Zones – may be contiguous or overlapping

Note: Public education efforts and non-pesticide means of mosquito source reduction should be in place, and increased as increasing evidence of virus is found (especially human cases) in the current year.

* **High-risk indicators of transmission to humans:** increasing dead bird sightings; high mosquito infection rates; abundant bridge vector populations; increasing mammal (horse) cases; proximity of mosquito breeding sites to human populations (especially large population centres) and weather conditions that favour mosquito breeding.

1. These are minimum activity standards. Medical Officers of Health may increase the Zone size to be treated or take additional mosquito control actions, if justified by scientific data or recommendations.
2. Medical Officer of Health will maintain a means to record, investigate, and report any confirmed or likely adverse or unintended human health effects attributed to mosquito control actions, and will report any non-human environmental adverse effects that he or she knows about to the Ministry of the Environment and/or other relevant local or provincial authorities.

22/03

ONTARIO REGULATION 200/03

made under the

TORONTO WATERFRONT REVITALIZATION CORPORATION ACT, 2002

Made: May 14, 2003

Filed: May 15, 2003

DESIGNATED WATERFRONT AREA

Designated waterfront area

1. The areas described in Schedules 1, 2 and 3 to this Regulation are specified as the designated waterfront area, for the purposes of the definition of “designated waterfront area” in section 1 of the Act.

Definitions

2. In the Schedules to this Regulation,

“Plan 108” means Plan 108 filed and deposited in the Registry Office for the County of York on January 25, 1855;

“Plan 333-York” means Plan 333-York dated February 11, 1873, filed on February 18, 1873;

“Plan 488-York” means Plan 488-York filed on January 4, 1881;

“Plan 520E” means Plan 520E filed in the Registry Office for the Eastern Division of the City of Toronto on July 14, 1914;

“Plan 536E” means Plan 536E filed in the Registry Office for the Eastern Division of the City of Toronto on August 7, 1917;

“Plan 63R-3858” means Plan 63R-3858 received and deposited with the Land Registrar for the Registry Division of Toronto (No. 63) on April 10, 1987;

“Plan 655” means Plan 655 filed in the Registry Office for the City of Toronto on March 19, 1887;

“Plan 66R-13434” means Plan 66R-13434 received and deposited with the Land Registrar for the Land Titles Division of Metropolitan Toronto (No. 66) on September 28, 1983;

- "Plan 66R-13502" means Plan 66R-13502 received and deposited with the Land Registrar for the Land Titles Division of Metropolitan Toronto (No. 66), the date of deposit is not specified, but the Plan is dated March 15, 1983 by the Ministry of Natural Resources;
- "Plan 66R-13866" means Plan 66R-13866 received and deposited with the Land Registrar for the Land Titles Division of Metropolitan Toronto (No. 66) on January 4, 1984;
- "Plan 66R-14959" means Plan 66R-14959 received and deposited with the Assistant Deputy Land Registrar for the Land Titles Division of Metropolitan Toronto (No. 66) on April 9, 1987;
- "Plan 66R-15798" means Plan 66R-15798 received and deposited with the Assistant Deputy Land Registrar for the Land Titles Division of Metropolitan Toronto (No. 66) on January 11, 1990;
- "Plan 66R-16042" means Plan 66R-16042 received and deposited with the Assistant Deputy Land Registrar for the Land Titles Division of Metropolitan Toronto (No. 66) on October 5, 1990;
- "Plan 66R-16453" means Plan 66R-16453 received and deposited with the Assistant Deputy Land Registrar for the Land Titles Division of Metropolitan Toronto (No. 66) on June 29, 1992;
- "Plan 684" means Plan 684 filed in the Registry Office for the City of Toronto on May 12, 1884;
- "Plan D1397" means Plan D1397 filed in the Registry Office for the Registry Division of West Toronto on February 25, 1919;
- "Plan D1453" means Plan D1453 filed in the Registry Office for the Registry Division of Toronto on June 24, 1932;
- "Plan E616" means Plan E616 filed in the Registry Office for the Registry Division of Toronto on June 6, 1924;
- "Plan E694" means Plan E694 filed in the Registry Office for the Registry Division of Toronto on November 15, 1933;
- "Plan Military Reserve" means Plan Military Reserve registered in the Land Registry Office for the Registry Division of Toronto (No. 63) March 30, 1990.

SCHEDULE 1

CENTRAL WATERFRONT AREA

The area within following boundary:

Beginning at the intersection of the westerly limit of Dowling Avenue and the northerly limit of the Canadian National Railways right-of-way, as widened, being the easterly limit of Block A as laid out on Plan 488-York;

Thence easterly along the northerly limit of the Canadian National Railways right-of-way, as widened, to its intersection with the westerly limit of Dufferin Street;

Thence northerly along the westerly limit of Dufferin Street to its intersection with an off-set line 80 metres north of the Canadian National Railways right-of-way as widened, and parallel to the southerly limit of Blocks D, C, B, & A as laid out on Plan 684;

Thence easterly along the 80 metre off-set line to its intersection with the westerly limit of Fraser Avenue;

Thence easterly along the 80 metre off-set line to its intersection with the easterly limit of Strachan Avenue as laid out on Plan D1453;

Thence northerly along the westerly limit of Strachan Avenue to its intersection with a line drawn on a westerly production of the northerly limit of Lot 1 on Plan D1453;

Thence easterly along a straight line to the southeasterly angle of the intersection of Tecumseth Street and Niagara Street, being the northwesterly angle of Block C as laid out on Plan 655;

Thence easterly along the southerly limit of Niagara Street and its easterly production to the southeasterly angle of its intersection with Bathurst Street, being the northwesterly angle of Lot 20 in Section A on the Plan Military Reserve;

Thence southerly along the easterly limit of Bathurst Street to its intersection with the northerly limit of Front Street West;

Thence easterly along the northerly limit of Front Street West to its intersection with the centre line of Yonge Street;

Thence easterly along the northerly limit of Front Street East to its intersection with the westerly limit of Parliament Street;

Thence northerly along the westerly limit of Parliament Street to its intersection with the northerly limit of Queen Street East;

Thence easterly along the northerly limit of Queen Street East to its intersection with easterly limit of Booth Avenue;

Thence southerly along the easterly limit of Booth Avenue to its intersection with the northerly limit of Lake Shore Boulevard East;

Thence easterly along the northerly limit of Lake Shore Boulevard East to its intersection with the easterly limit of Coxwell Avenue;

Thence along the southerly production of the easterly limit of Coxwell Avenue to its intersection with the southerly limit of Lake Shore Boulevard East;

Thence westerly along the southerly limit of Lake Shore Boulevard East to its intersection with the northeasterly angle of Part 1 as laid out on Plan 63R-3858;

Thence southeasterly along the easterly limit of Parts 1 and 2 to the southeasterly angle of Part 2, as laid out on Plan 63R-3858;

Thence westerly along the southerly limit of Parts 2 and 3 to the north easterly angle of Part 5 as laid out on Plan 63R-3858, also being the north easterly angle of Part 5 as laid out on Plan 66R-13866;

Thence westerly along the northerly limits of Parts 5, 4, 3 and 1 to the northwesterly angle of Part 1 as laid out on Plan 66R-13866;

Thence westerly along the southerly limit of the Marsh Lands Patented to the City of Toronto May 18, 1880 to its southwesterly angle and continuing along its westerly production to its intersection with a line drawn at a 50 metre offset west of the westerly limit of the Marsh Lands Patented to the City of Toronto May 18, 1880 as laid out on Plan 520E;

Thence northerly along the 50 metre off-set line to its intersection with a line being at a 50 metre off-set south of the southerly limit of Block 26 as laid out on Plan E694;

Thence westerly along the 50 metre off-set line south of the southerly limit of Blocks 26, 25, 24, 23, 22, 20, 19 and 18 on Plan E694 to its intersection with a 50 metre off-set line south of the southerly limit of Block 16 as laid out on Plan E616;

Thence westerly along the 50 metre off-set line south of the southerly limit of Blocks 16, 15, 14, 13, 12, 11 and 10 on Plan E616 to its intersection with a 50 metre off-set line south of the southerly limit of Block X as laid out on Plan 536E;

Thence westerly along the 50 metre off-set line south of the southerly limit of Blocks X, W, V, U, T and S as laid out on Plan 536E to its intersection with a line drawn on the southerly production of the easterly limit of Block G on Plan D1397;

Thence northerly along the production of the easterly limit of Block G to the southeasterly angle of Block G as laid out on Plan D1397;

Thence westerly along the southerly limit of Block G to the northeasterly angle of Block F as laid out on Plan D1397;

Thence southerly along the easterly limit of Block F to the southeasterly angle of Block F as laid out on Plan D1397;

Thence westerly along the southerly limit of Block F to its intersection with the easterly face of a concrete dock wall as laid out on Plan D1397;

Thence southerly along the face of the dock wall approximately 6 metres to the southeasterly corner of the dock wall;

Thence westerly along the southerly face of the dock wall approximately 684 metres to the southwesterly corner at the westerly end of the dock wall;

Thence along a straight line beginning at the southwesterly corner of the dock wall and ending at the most northeasterly angle of Part 1, Plan 66R-13434;

Thence westerly along the northerly limit of Part 1 to the most northwesterly angle of Part 1 as laid out on Plan 66R-13434;

Thence northerly along a straight line, being the production of the westerly limit of Part 1, to its intersection with a line at a 50 metre off-set south of the water's edge of Lake Ontario as laid out on Plan 66R-13434;

Thence westerly along the 50 metre off-set line south of the water's edge of Lake Ontario to a line drawn on a southerly production of the westerly limit of Dowling Avenue as laid out on Plan 333-York;

Thence northerly along the southerly production of the westerly limit of Dowling Avenue and along the westerly limit of Dowling Avenue to the point of the beginning.

SCHEDULE 2

ONTARIO PLACE

Property ID No. 21417-0001(LT), being Parcel Lot 31-1, Section CL3368; Part of the bed of Lake Ontario in front of the Ordnance Reserve and Lot 31, Broken Front Concession CL3368, City of Toronto, designated as Part 1 on Plan 66R-13434.

SCHEDULE 3

LESLIE STREET SPIT

1. Property ID No. 21385-0001 (LT), being Parcel Ontario Water Lot-1, Section CL3528; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Parts 1 and 2 on Plan 66R-13502.
2. Property ID No. 21385-0002 (LT), being Parcel Water Lot-2, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Part 1 on Plan 66R-13866 except Parts 5, 6, 7 and 8 on Plan 66R-16042, Parts 1 and 2 on Plan 66R-16453 and Parts 1 and 2 on Plan 66R-15798.
3. Property ID No. 21385-0003 (LT), being Parcel Water Lot-1, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Parts 2, 3, 4 and 5 on Plan 66R-13866 except Parts 5 and 7 on Plan 66R-14959.
4. Property ID No. 21385-0004 (LT), being Parcel Water Lot-4, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Part 1 on Plan 66R-16453.
5. Property ID No. 21385-0005 (LT), being Parcel Water Lot-5, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Part 2 on Plan 66R-16453.
6. The portion of Property ID No. 21385-0006 (LT) that consists of Part of Ontario Water Reserve-2, Section CL1924; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Parts 5 and 7 on Plan 66R-14959.
7. Property ID No. 21385-0007 (LT), being Parcel Water Lot-3, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Parts 1 and 2 on Plan 66R-15798.
8. Property ID No. 21385-0008 (LT), being Parcel Water Lot-6, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Parts 5 and 6 on Plan 66R-16042.
9. Property ID No. 21385-0009 (LT), being Parcel Water Lot-6, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Part 7 on Plan 66R-16042.
10. Property ID No. 21385-0010 (LT), being Parcel Water Lot-6, Section CL3845; Part of the bed of Lake Ontario in front of marsh lands patented to the City of Toronto May 18, 1880, City of Toronto, designated as Part 8 on Plan 66R-16042.

22/03

ONTARIO REGULATION 201/03

made under the

PUBLIC HOSPITALS ACT

Made: May 12, 2003

Approved: May 14, 2003

Filed: May 16, 2003

Amending Reg. 965 of R.R.O. 1990
(Hospital Management)

Note: Since the end of 2002, Regulation 965 has been amended by Ontario Regulation 64/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 965 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

23.2 (1) A hospital shall provide information from medical records to the following persons for the purposes of the diagnosis of persons who may have contracted SARS and the investigation, prevention, treatment and containment of SARS:

1. The Chief Medical Officer of Health within the meaning of the *Health Protection and Promotion Act*.

3. A physician designated by the Chief Medical Officer of Health.

(2) In subsection (1),

“SARS” means severe acute respiratory syndrome.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on May 12, 2003.

22/03

ONTARIO REGULATION 202/03
made under the
ENVIRONMENTAL PROTECTION ACT

Made: May 14, 2003
Filed: May 16, 2003

Amending O. Reg. 397/01
(Emissions Trading)

Note: Ontario Regulation 397/01 has not previously been amended.

1. Subsection 8 (2) of Ontario Regulation 397/01 is revoked and the following substituted:

(2) An application under this section must be made not later than,

- (a) August 1, 2003, if the application relates to allowances for 2004;
- (b) June 1, 2004, if the application relates to allowances for 2005; or
- (c) June 1, 2005, if the application relates to allowances for 2006.

2. Subsection 14 (4) of the Regulation is revoked and the following substituted:

(4) An application under this section must be made not later than,

- (a) August 1, 2003, if the application relates to allowances for 2004; or
- (b) June 1 in the year preceding the year for which the allowances are applied for, if the application relates to allowances for 2005 or a later year.

22/03

ONTARIO REGULATION 203/03
made under the
HEALTH INSURANCE ACT

Made: May 14, 2003
Filed: May 16, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03, 62/03, 86/03 and 179/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of “schedule of benefits” in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

6. Amendments dated April 1, 2003.

2. This Regulation shall be deemed to have come into force on April 1, 2003.

22/03

ONTARIO REGULATION 204/03

made under the

MUNICIPAL ACT, 2001

Made: May 7, 2003

Filed: May 16, 2003

POWERS OF THE MINISTER OR A COMMISSION IN IMPLEMENTING A RESTRUCTURING PROPOSAL

Purposes and definitions

1. (1) This Regulation sets out the powers that,

- (a) the Minister may exercise in implementing a restructuring proposal made by a municipality or local body that the Minister may implement under subsection 173 (4) of the Act; and
- (b) a commission under section 174 of the Act may exercise in implementing a restructuring proposal that it has developed and is authorized to implement under subsection 175 (1) of the Act.

(2) In this Regulation,

“elector” means a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular municipal election; (“électeur”)

“local board” means a local board as defined in section 1 of the *Municipal Affairs Act* but does not include a school board, children’s aid society, committee of management or board of management of a home for the aged, conservation authority, board of health, planning board, municipal planning authority or district social services administration board; (“conseil local”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*. (“conseil scolaire”).

Powers

2. The Minister or a commission may,

- (a) annex part of a municipality to another municipality;
- (b) annex a geographic area that does not form part of a municipality to a municipality;
- (c) amalgamate a municipality with another municipality;
- (d) separate a local municipality from an upper-tier municipality for municipal purposes;
- (e) join a local municipality to an upper-tier municipality for municipal purposes;
- (f) incorporate the inhabitants of a geographic area as a municipality.

Dissolution

3. (1) Subject to section 5, the Minister or a commission may dissolve all or part of a municipality so long as, on dissolution,

- (a) all liabilities and obligations of the dissolved municipality or local board or all liabilities and obligations related to the dissolved part of the municipality are vested in one or more local municipalities or local boards existing in the area of the dissolved municipality or local board following the dissolution;
- (b) if an upper-tier municipality has been dissolved in whole or in part, the power and obligation of the upper-tier municipality to establish and maintain a home for the aged is transferred, for the purposes of the local municipality only, to each of the local municipalities existing in the area of the dissolved upper-tier municipality or part of the upper-tier municipality following the dissolution; and
- (c) if an upper-tier municipality or local board of an upper-tier municipality is legally required to provide a service and local municipalities and their local boards do not have the authority to provide the service, the power and obligation to

provide the service are transferred, for the purposes of the local municipality only, to each of the local municipalities or their local boards existing in the area of the dissolved upper-tier municipality or part of the upper-tier municipality following the dissolution.

(2) The Minister or a commission may provide for the matters referred to in clauses (1) (a), (b) and (c).

Restriction on powers

4. (1) The exercise of the powers set out in sections 2, 3 and 14 does not have the effect of,

(a) changing, directly or indirectly, the territorial jurisdiction of a school board; or
(b) affecting the application of a school board by-law that imposes education development charges on land undergoing development in a municipality or unorganized territory other than in the following ways:

1. The rights and duties of a treasurer of a municipality and a municipality under the by-law and Division E of Part IX of the *Education Act* are transferred to the treasurer of the municipality and the municipality that issues building permits on land undergoing development that is subject to the by-law after the restructuring proposal comes into effect.
2. The rights and duties of an official and a school board under paragraphs 1 and 2 of section 257.92 of the *Education Act* are transferred to any municipality that issues building permits on land undergoing development that is subject to the by-law after the restructuring proposal comes into effect.
3. Amounts received by the treasurer of a municipality under the by-law and Division E of Part IX of the *Education Act* are transferred to the municipality that exists after the restructuring proposal comes into effect where the land in respect of which the charge was imposed is located.

(2) The exercise of the power set out in section 3 to dissolve an upper-tier municipality does not have the effect of removing the power and obligation to establish and maintain a home for the aged from a local municipality that, prior to the dissolution, did not form part of the dissolved upper-tier municipality for municipal purposes.

(3) Nothing in this Regulation affects the application of section 69 of the *Labour Relations Act, 1995* and section 9 of the *Employment Standards Act, 2000*.

Limitation

5. (1) The Minister or a commission may continue, create, amalgamate and dissolve local boards of municipalities so long as the exercise of such power,

(a) does not result in,

- (i) a municipality having more than one local board providing the same service, unless a municipality may, under any Act, have more than one local board providing the same service,
- (ii) a municipality having a type of local board other than a type the municipality is required to have or may have under any Act,
- (iii) a local board having powers other than powers it has or may have under any Act,
- (iv) a municipality that is required to provide police services failing to comply with section 4 of the *Police Services Act*;
- (v) a local board, the members of which are elected; and

(b) results in a municipality having a local board of a type that the municipality is required to have under any Act.

(2) The Minister or a commission may establish the composition of a county library board under the *Public Libraries Act*, subject to subsection 9 (5) of that Act, and may change the name of such a board to a name different from that required under subsection 7 (7) of that Act.

Boards, other than local boards

6. The Minister or a commission may establish or continue a board, other than a local board, to provide municipal services and may establish the composition of the board but may not provide for the members of the board to be elected.

Transitional board

7. (1) If a restructuring proposal provides for one or more municipalities to be dissolved, incorporated or amalgamated, the Minister or a commission may, for transitional purposes, establish a board as a corporation.

(2) The Minister or a commission may establish the composition of a board established under subsection (1).

(3) If a restructuring proposal provides for a municipality to be dissolved or amalgamated, the Minister or a commission may provide that, until the municipality is dissolved or amalgamated,

- (a) the board established under subsection (1) may exercise specified powers of the council of the municipality;
- (b) the council of the municipality shall not exercise specified powers without the approval of the board.

(4) If a restructuring proposal provides for a municipality to be incorporated, the Minister or a commission may provide that, until the municipality is incorporated, the board established under subsection (1) may exercise specified powers the council of the municipality will have when the municipality is incorporated.

(5) If a restructuring proposal provides for municipalities to be amalgamated, the Minister or a commission may provide that, until the municipalities are amalgamated, the board established under subsection (1) may exercise specified powers the council of the municipality that will result from the amalgamation will have when the amalgamation occurs.

Composition of council, municipal service board

8. (1) The Minister or a commission may establish the composition of a council of a municipality so long as,

- (a) the council of a municipality has a head of council and at least four other members;
- (b) the head of council of a local municipality is elected by general vote;
- (c) the members of the council of a local municipality are elected in accordance with the *Municipal Elections Act, 1996* and, if the members of the council of an upper-tier municipality are elected, the election is held in accordance with that Act;
- (d) the members of the council of a municipality are qualified electors under section 17 of the *Municipal Elections Act, 1996* and are not disqualified from holding the office under any Act; and
- (e) in the case of an upper-tier municipality, the composition of the council is in accordance with paragraphs 2, 3, 5 and 6 of subsection 218 (1) of the Act.

(2) The Minister or a commission may establish the composition of a municipal service board subject to the rules set out in subsection 195 (3) of the Act.

Qualifications, title

9. (1) The Minister or a commission may provide for qualifications that must be satisfied in order for a member of a council of a municipality to act in the place of the head of the council.

(2) The Minister or a commission may set out the title of a member of a council who acts in the place of the head of the council.

Votes

10. (1) The Minister or a commission may provide for the number of votes a member of the council of a municipality has on council.

(2) The Minister or a commission may provide for members of the council of a municipality to have different numbers of votes with respect to different matters.

Wards

11. The Minister or a commission may establish wards for a municipality and may alter or dissolve the wards of a municipality.

Two-tier system

12. (1) This section applies only if a two-tier system of municipal government will exist after the implementation of a restructuring proposal.

(2) If a local municipality forms part of an upper-tier municipality for municipal purposes, the restructuring proposal covers a majority of local municipalities forming part of the upper-tier municipality for municipal purposes and they have a majority of all electors in the upper-tier municipality, the Minister or a commission may, subject to section 5 and subsections (3), (4) and (5), transfer,

- (a) to the upper-tier municipality or local board of the upper-tier municipality a power of a local municipality or local board of a local municipality under any Act to provide services or facilities; and
- (b) to a local municipality or local board of a local municipality a power of the upper-tier municipality or local board of the upper-tier municipality under any Act to provide services or facilities.

(3) A local municipality or local board of a local municipality to which a power of an upper-tier municipality or local board of an upper-tier municipality is transferred may exercise the transferred power for the purposes of the local municipality only.

(4) Subsection (2) does not authorize the transfer of the powers of an upper-tier municipality or local board of an upper-tier municipality under the *Homes for the Aged and Rest Homes Act* or the *Ontario Works Act, 1997* or the transfer of any power of a municipality under the *Police Services Act* or the *Planning Act*, other than the approval of plans of subdivision under sections 51, 51.1 and 51.2 of the *Planning Act* and the giving of consents under section 53 of that Act.

(c) a power of a municipality or local board transferred under subsection (2) becomes an exclusive power of the municipality to which the power is transferred unless it is expressly provided that the transferring municipality or local board may continue to exercise it.

Transfer of power

13. The Minister or a commission may provide that a municipality or local board from which a power to provide a service or facility was transferred under section 12 may, by agreement with the municipality or local board to which the power was transferred, provide a service or facility of the type authorized under the transferred power.

Change of status, name

14. The Minister or a commission may provide for and change the status and name of a municipality and the name of a local board so long as after such a change,

- (a) in a two-tier system of municipal government, the upper-tier municipality has the status of an upper-tier municipality and the lower-tier municipalities have the status of lower-tier municipalities;
- (b) a local municipality that does not form part of an upper-tier municipality for municipal purposes has the status of a single-tier municipality;
- (c) the name of a municipality is not the same as the name of any other municipality in Ontario.

Transfer of assets, liabilities

15. Subject to clause 3 (1) (a) and section 5, the Minister or a commission may transfer assets and liabilities, rights and obligations of municipalities and local boards to other municipalities and local boards and determine the amount a municipality or local board shall pay to another municipality or local board in settlement of the transfer.

Requirements, restrictions

16. (1) The Minister or a commission may impose requirements or restrictions on the council of a municipality affected by a restructuring proposal in relation to the following:

1. Financial matters.
2. The application of savings resulting from budgetary controls.
3. The establishment and maintenance of reserves and reserve funds.
4. Payments from a municipality or local board to a municipality or local board.
5. Spending on specified municipal services and contributions to other municipalities for specified municipal services that benefit the contributing municipality.
6. The sale of assets and the use of the proceeds.
7. Adjustments to the tax rates for taxpayers in any part of the municipality in respect of transit, police services, parks, roads, conservation authorities and ferry services.
8. The hiring of employees.
9. The establishment and composition of committees for transitional purposes.
10. The provisions of the procedure by-law governing the calling, place and proceedings of meetings.

(2) The Minister or a commission may require the council of a municipality to review a matter at a time specified by the Minister or commission.

(3) Requirements or restrictions under paragraph 1 of subsection (1) relating to financial matters may apply only in the year in which the order imposing the requirements or restrictions becomes effective and in the following year.

(4) Requirements or restrictions relating to the provisions of the by-law referred to in paragraph 10 of subsection (1) do not affect the authority of the council of the municipality to subsequently amend the by-law.

Roads

17. If a restructuring proposal has the effect of transferring the responsibility to construct or maintain roads from an upper-tier municipality to a local municipality, the Minister or a commission may require that the local municipality construct and maintain the roads in accordance with specified standards.

Multiple fire departments

18. The Minister or a commission may allow a municipality to have more than one fire department and may allow the municipality to have a fire chief for each department.

Transfer of employees

19. (1) In this section,

“former municipality” means a municipality that, as a result of a restructuring proposal, is being dissolved or amalgamated; (“ancienne municipalité”)

“new municipality” means a municipality that is being incorporated as a result of a restructuring proposal or that will be the result of an amalgamation under a restructuring proposal. (“nouvelle municipalité”)

(2) This section applies only with respect to a person who, immediately before a former municipality is dissolved or amalgamated, is an employee of the former municipality or a local board of the former municipality.

(3) The Minister or a commission may order that an employee of a former municipality shall become an employee of a new municipality or a local board of the new municipality.

(4) The Minister or a commission may order that an employee of a local board of a former municipality shall become an employee of a new municipality or a local board of the new municipality.

Transfer of employees not in a bargaining unit

20. (1) The definitions in subsection 19 (1) apply to this section.

(2) This section applies only with respect to a person who, immediately before a former municipality is dissolved or amalgamated, is an employee of the former municipality or a local board of the former municipality and is not in a bargaining unit.

(3) The Minister or a commission may order that the length of employment or service of an employee who becomes, under the order, an employee of a new municipality or a local board of the new municipality shall be deemed to include,

(a) if the employee was employed by a former municipality immediately before the former municipality is dissolved or amalgamated, a percentage of the length of employment or service the employee had with the former municipality and with any local board of the former municipality; or

(b) if the employee was employed by a local board of a former municipality immediately before the former municipality is dissolved or amalgamated, a percentage of the length of employment or service the employee had with the local board, the former municipality and any other local board of the former municipality.

(4) Subsection (5) applies with respect to an employee only if,

(a) the employee becomes, under an order, an employee of a new municipality or a local board of a new municipality; and

(b) the position the employee had with the former municipality or local board of the former municipality immediately before the former municipality is dissolved or amalgamated would be in a bargaining unit if the position were with the new municipality or local board that the employee becomes an employee of under the order.

(5) Subject to subsection (4), the Minister or a commission may order that an employee shall be deemed to be in the bargaining unit referred to in clause (4) (b) with seniority that shall be deemed to include,

(a) if the employee was employed by a former municipality immediately before the former municipality is dissolved or amalgamated, a percentage of the length of employment the employee had in each position with the former municipality and with any local board of the former municipality that would be in the bargaining unit the employee is deemed to be in if the position were with the new municipality or local board that the employee becomes an employee of under the order; or

(b) if the employee was employed by a local board of a former municipality immediately before the former municipality is dissolved or amalgamated, a percentage of the length of employment the employee had in each position with the local board of the former municipality and any other local board of the former municipality that would be in the bargaining unit the employee is deemed to be in if the position were with the new municipality or local board that the employee becomes an employee of under the order.

(6) The percentage of length of employment or service referred to in subsections (3) and (5) shall be set out in the order and may be any percentage not exceeding 100 per cent.

(7) The Minister or a commission may provide that a dispute concerning the application, in determining a right or obligation under a collective agreement, of the part of the Minister's or commission's order that results from the exercise of a power under this section be resolved as though the dispute were a dispute concerning the interpretation, application or administration of the collective agreement.

Alternate member of council

21. The Minister or a commission may provide for an alternate to act as a member of the council of an upper-tier municipality in the absence of a member who is a member of the council of a local municipality.

22. (1) Subject to section 5 and subsections (2), (3) and (4), the Minister or a commission may provide for the continuation, cessation, extension or otherwise of official plans, by-laws and resolutions of municipalities and local boards in a geographic area to which a restructuring proposal applies.

(2) Official plans and zoning by-laws pertaining to an area of a geographic area to which a restructuring proposal applies shall be deemed to be official plans and zoning by-laws of municipalities and local boards in which the area is located after the restructuring proposal comes into effect, until they are amended or repealed under the *Planning Act*.

(3) By-laws passed under section 2 of the *Development Charges Act, 1997* shall not be made to apply to a greater area than that to which they applied before the restructuring.

(4) By-laws or resolutions that could not be lawfully repealed by the council of a municipality or a local board shall not be repealed under subsection (1).

Interim council

23. (1) Subject to clauses 8 (1) (a) and (d), the Minister or a commission may, if a restructuring proposal comes into effect at any time other than at the end of the regular term of office of a council of a municipality, provide for and establish the composition of an interim council of a municipality whose members shall hold office until the end of the regular term of office.

(2) The members of an interim council shall be determined,

- (a) by holding a by-election under section 65 of the *Municipal Elections Act, 1996*, but no such by-election shall be held in a regular municipal election year; or
- (b) by designating members of the councils of the municipalities any part of which existed in the geographic area before the restructuring proposal comes into effect.

(3) In this section,

“geographic area” means the geographic area to which the restructuring proposal applies.

(4) In the case of a restructuring proposal to annex unorganized territory to a municipality, the members of an interim council shall be determined,

- (a) by holding a by-election under section 65 of the *Municipal Elections Act, 1996*, but no such by-election shall be held in a regular municipal election year;
- (b) by designating members of the councils of the municipalities any part of which existed in the geographic area before the restructuring proposal comes into effect;
- (c) by holding a special election to determine the members of the council elected from the unorganized territory before the restructuring proposal comes into effect in accordance with the procedure set out in section 24; or
- (d) by a combination of the methods described in clauses (b) and (c).

(5) The Minister or a commission may,

- (a) shorten the regular term of office of a council of a municipality or local board to the date on which an interim council or local board takes office;
- (b) extend the regular term of office of a council of a municipality or local board to the earlier of the date a restructuring proposal comes into effect or January 1 of the year following a regular municipal election.

Annexation of unorganized territory

24. (1) In the case of a restructuring proposal to annex unorganized territory to a municipality, a special election to determine the members of the council elected from the unorganized territory before the restructuring proposal comes into effect shall be held in accordance with this section.

(2) A person is eligible to vote in the special election if the person would have been entitled to be an elector at that election in the unorganized territory under section 17 of the *Municipal Elections Act, 1996* had the unorganized territory been a local municipality.

(3) A person may be nominated for office in the special election if, on the day the person is nominated,

- (a) the person would be eligible to vote in the special election under subsection (2) if the election were held on that day; or
- (b) the person would be entitled to be an elector under section 17 of the *Municipal Elections Act, 1996* at an election if the election were being held on that day in the municipality to which the unorganized territory is being annexed.

(4) The following procedure shall be followed for the special election:

1. The clerk of the municipality with the greatest number of electors of the municipalities, any part of which existed in the geographic area before the restructuring proposal comes into effect, shall be responsible for conducting the special election.
2. Nomination day for the special election must be at least 14 days before voting day.
3. At least 14 days before nomination day, the clerk shall give notice of the offices for which persons may be nominated and of the nomination procedure as set out in this subsection.
4. A person may be nominated for an office by filing a nomination in the clerk's office.
5. If, after the close of nomination day, the number of candidates for an office is the same or less than the number to be elected, the clerk shall declare the candidate or candidates elected by acclamation.
6. If any office remains vacant after the close of nomination day, section 263 of the Act applies if the number of members on council is sufficient to form a quorum.
7. The clerk shall call a meeting for the purpose of conducting a vote for the special election.
8. The meeting must be held in the unorganized territory or in an adjacent local municipality.
9. The clerk must give at least 14 days notice of the meeting,
 - i. by publication in a newspaper that, in the opinion of the clerk, is of general circulation throughout the unorganized territory, or
 - ii. if the clerk is of the opinion that there is no such newspaper, by any other means which, in the opinion of the clerk, will give the persons who are eligible to vote adequate notice of the meeting.
10. The notice of the meeting must set out,
 - i. the purpose of the meeting,
 - ii. where and when the meeting will be held, and
 - iii. a description of who may vote at the meeting.
11. The meeting shall be chaired by the clerk.
12. The clerk shall conduct a vote by the persons who attend the meeting to determine the members of the council elected from the unorganized territory. The clerk shall determine how to conduct the vote. The clerk shall record the results of the vote and the number of votes cast.
13. The clerk shall announce the results of the vote. If two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot.
14. The clerk shall retain the ballots and all other documents and materials related to the election until the successors of the persons elected at the special election held under this section have taken office.

(5) In paragraph 1 of subsection (4),

“geographic area” means the geographic area to which the restructuring proposal applies.

(6) The costs incurred in conducting the special election by the clerk of the municipality with the greatest number of electors shall be paid by that municipality.

(7) The municipality with the greatest number of electors shall pay the costs as soon as possible after its clerk has signed a certificate verifying the amount.

Special provisions during election year

25. (1) If a restructuring proposal comes into effect during a regular municipal election year as provided in section 30, the Minister or a commission may make special provisions,

- (a) for holding the regular municipal election under the *Municipal Elections Act, 1996* in that year; and
- (b) for holding a regular election under the *Education Act* in that year.

(2) If a restructuring proposal comes into effect between December 1 of a regular municipal election year and January 1 of the following year, both inclusive, the Minister or a commission may provide for holding the regular municipal election in accordance with the *Municipal Elections Act, 1996* and a regular election under the *Education Act* as if the municipalities, school boards and local boards that will exist after the restructuring were already in existence.

Powers re: taxes

26. (1) The Minister or a commission may provide for the phase-in of shifts in real property taxes occurring as a result of an order made under this Regulation.

(2) The Minister or a commission may provide that tax rate adjustments apply to taxpayers in any area of a municipality in respect of debts, deficits, surpluses, reserves or reserve funds of municipalities and local boards created before the restructuring proposal comes into effect.

Dissolution of certain boards

27. (1) In this section,

“local roads board” means a board of a local roads area as defined in section 1 of the *Local Roads Boards Act*; (“régie des routes locales”)

“local services board” means a Local Services Board established under the *Northern Services Boards Act*. (“régie locale des services publics”)

(2) The Minister or a commission may dissolve all or part of a local roads board or a local services board so long as, on dissolution, all liabilities and obligations of the dissolved local roads board or local services board or all liabilities and obligations related to the dissolved part of the local roads board or local services board are vested in one or more local municipalities or local boards existing in the area of the local roads board or local services board following the dissolution.

(3) If a restructuring proposal provides for one or more local roads boards or local services boards to be dissolved in whole or in part, the Minister or a commission may,

- (a) subject to subsection (2), transfer assets and liabilities, rights and obligations of local services boards or local roads boards to a municipality or local board and determine the amount a municipality or local board shall pay to the local services board or local roads board in settlement of the transfer;
- (b) provide that tax rate adjustments apply to taxpayers in any area of a municipality in respect of debts, deficits, surpluses, reserves or reserve funds of local roads boards or local services boards created before the restructuring proposal comes into effect; and
- (c) provide for the continuation, cessation, extension or otherwise of by-laws and resolutions of local roads boards or local services boards in a geographic area to which a restructuring proposal applies.

(4) By-laws or resolutions that could not be lawfully repealed by a local roads board or a local services board shall not be repealed under clause (3) (c).

Arbitration

28. The Minister or a commission may provide in an order that issues arising out of the interpretation of the order be resolved by arbitration in accordance with the *Arbitration Act, 1991* or by another method specified in the order.

Restricted acts

29. In implementing a restructuring proposal, the Minister or a commission may order that a municipality affected by the restructuring proposal shall not do any of the following or may do them only as allowed under the order:

1. Make a restructuring proposal under section 173 of the Act.
2. Request the establishment of a commission under section 174 of the Act.

Effective date

30. (1) Subject to subsection (2), an order of the Minister or a commission implementing a restructuring proposal shall not come into effect between January 1 and November 30, both inclusive, in a regular municipal election year.

(2) An order under subsection (1) may come into effect at any time between January 2 and July 1, both inclusive, in a regular municipal election year if,

- (a) no local municipal wards that existed on January 1 in the year are being changed;
- (b) no new local municipal ward is being created, other than a ward that consists solely of the entire area of one or more,
 - (i) local municipal wards that existed on January 1 of the year, or
 - (ii) local municipalities that existed and had no wards on January 1 of the year;
- (c) no local municipality that existed on January 1 of the year is being split or partially dissolved; and
- (d) all local municipalities and local municipal wards remain wholly within one or more of the geographic areas to which trustee positions are distributed in that year under a regulation made under clause 58.1 (2) (k) of the *Education Act*.

Revocation

31. Ontario Regulation 143/96 and Ontario Regulations 389/96, 557/96, 76/97, 134/97, 241/97, 426/97, 622/99 and 74/00 are revoked.

RÈGLEMENT DE L'ONTARIO 204/03

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉSpris le 7 mai 2003
déposé le 16 mai 2003**POUVOIRS DU MINISTRE OU D'UNE COMMISSION
POUR LA MISE EN OEUVRE D'UNE PROPOSITION DE RESTRUCTURATION****Objets et définitions**

1. (1) Le présent règlement énonce les pouvoirs suivants :

- a) les pouvoirs que le ministre peut exercer pour mettre en oeuvre une proposition de restructuration que présente une municipalité ou un organisme local et que le ministre peut mettre en oeuvre en vertu du paragraphe 173 (4) de la Loi;
- b) les pouvoirs qu'une commission visée à l'article 174 de la Loi peut exercer pour mettre en oeuvre une proposition de restructuration qu'elle a élaborée et qu'elle est autorisée à mettre en oeuvre en vertu du paragraphe 175 (1) de la Loi.

(2) Les définitions qui suivent s'appliquent au présent règlement.

«conseil local» Conseil local au sens de l'article 1 de la *Loi sur les affaires municipales*, à l'exception d'un conseil scolaire, d'une société d'aide à l'enfance, du comité de gestion ou conseil de gestion d'un foyer pour personnes âgées, d'un office de protection de la nature, d'un conseil de santé, d'un conseil de planification, d'un office d'aménagement municipal ou d'un conseil d'administration de district des services sociaux. («local board»)

«conseil scolaire» Conseil au sens du paragraphe 1 (1) de la *Loi sur l'éducation*. («school board»)

«électeur» Personne inscrite sur la liste électorale, telle qu'elle est modifiée jusqu'à la clôture du scrutin le jour du scrutin, pour les dernières élections municipales ordinaires. («elector»)

Pouvoirs

2. Le ministre ou une commission peut faire ce qui suit :

- a) annexer une partie d'une municipalité à une autre municipalité;
- b) annexer une zone géographique qui ne fait pas partie d'une municipalité à une municipalité;
- c) fusionner une municipalité avec une autre municipalité;
- d) séparer une municipalité locale d'une municipalité de palier supérieur aux fins municipales;
- e) joindre une municipalité locale à une municipalité de palier supérieur aux fins municipales;
- f) constituer les habitants d'une zone géographique en municipalité.

Dissolution

3. (1) Sous réserve de l'article 5, le ministre ou une commission peut dissoudre tout ou partie d'une municipalité pourvu que, au moment de la dissolution :

- a) les passifs et les obligations de la municipalité ou du conseil local qui a été dissous ou les passifs et les obligations liés à la partie dissoute de la municipalité soient dévolus à une ou plusieurs municipalités locales ou à un ou plusieurs conseils locaux qui existent, après la dissolution, dans le territoire de la municipalité ou du conseil local qui a été dissous;
- b) si tout ou partie d'une municipalité de palier supérieur a été dissous, le pouvoir et l'obligation de celle-ci d'ouvrir et de maintenir un foyer pour personnes âgées soient transférés, aux fins de la municipalité locale seulement, à chaque municipalité locale qui existe, après la dissolution, dans le territoire de la municipalité de palier supérieur qui a été dissoute ou de la partie de celle-ci qui a été dissoute;
- c) si une municipalité de palier supérieur ou un conseil local d'une telle municipalité est obligé par la loi de fournir un service et que les municipalités locales et leurs conseils locaux n'ont pas le pouvoir de le fournir, le pouvoir et l'obligation de fournir le service soit transféré, aux fins de la municipalité locale seulement, à chacune des municipalités locales ou à chacun des conseils locaux de celles-ci qui existent, après la dissolution, dans le territoire de la municipalité de palier supérieur qui a été dissoute ou de la partie de celle-ci qui a été dissoute.

(2) Le ministre ou une commission peut prévoir les questions visées aux alinéas (1) a), b) et c).

4. (1) L'exercice des pouvoirs énoncés aux articles 2, 3 et 14 n'a pas pour effet, selon le cas :

- a) de modifier, directement ou indirectement, le territoire de compétence d'un conseil scolaire;
- b) de porter atteinte à l'application d'un règlement administratif d'un conseil scolaire qui impose des redevances d'aménagement scolaires sur un bien-fonds qui fait l'objet de travaux d'aménagement dans une municipalité ou un territoire non érigé en municipalité, sauf de l'une ou l'autre des façons suivantes :
 1. Les droits et les devoirs que le règlement administratif et la section E de la partie IX de la *Loi sur l'éducation* attribuent au trésorier d'une municipalité et à une municipalité sont transférés au trésorier de la municipalité et à la municipalité qui, après l'entrée en vigueur de la proposition de restructuration, délivre les permis de construire liés aux biens-fonds qui font l'objet de travaux d'aménagement et sont assujettis au règlement administratif.
 2. Les droits et les devoirs que les dispositions 1 et 2 de l'article 257.92 de la *Loi sur l'éducation* attribuent à un agent et à un conseil scolaire sont transférés à une municipalité qui, après l'entrée en vigueur de la proposition de restructuration, délivre les permis de construire liés aux biens-fonds qui font l'objet de travaux d'aménagement et sont assujettis au règlement administratif.
 3. Les sommes reçues par le trésorier d'une municipalité en application du règlement administratif et de la section E de la partie IX de la *Loi sur l'éducation* sont versées à la municipalité qui existe après l'entrée en vigueur de la proposition de restructuration et où se trouvent les biens-fonds visés par les redevances.

(2) L'exercice du pouvoir, énoncé à l'article 3, de dissoudre une municipalité de palier supérieur n'a pas pour effet de soustraire à une municipalité locale qui, avant la dissolution, ne faisait pas partie, aux fins municipales, de la municipalité de palier supérieur qui a été dissoute, le pouvoir et l'obligation d'ouvrir et de maintenir un foyer pour personnes âgées.

(3) Le présent règlement n'a pas pour effet de porter atteinte à l'application de l'article 69 de la *Loi de 1995 sur les relations de travail* et de l'article 9 de la *Loi de 2000 sur les normes d'emploi*.

Restriction

5. (1) Le ministre ou une commission peut proroger, créer, fusionner et dissoudre des conseils locaux de municipalités pourvu que l'exercice de ce pouvoir :

- a) d'une part, n'ait pas pour effet :
 - (i) de doter une municipalité de plusieurs conseils locaux fournissant le même service, à moins qu'elle n'y soit autorisée en vertu d'une loi,
 - (ii) de doter une municipalité d'un type de conseil local autre que le type dont elle doit ou peut être dotée en application d'une loi,
 - (iii) de doter un conseil local de pouvoirs autres que ceux qu'il a ou peut avoir en vertu d'une loi,
 - (iv) de faire en sorte qu'une municipalité qui doit fournir des services policiers ne se conforme pas à l'article 4 de la *Loi sur les services policiers*,
 - (v) de faire en sorte qu'un conseil local soit composé de membres devant être élus;
- b) d'autre part, ait pour effet de doter une municipalité d'un type de conseil local dont elle doit être dotée en application d'une loi.

(2) Le ministre ou une commission peut fixer la composition d'un conseil de bibliothèques de comté visé par la *Loi sur les bibliothèques publiques*, sous réserve du paragraphe 9 (5) de cette loi, et peut remplacer le nom d'un tel conseil par un autre nom que celui exigé par le paragraphe 7 (7) de cette loi.

Conseil autre qu'un conseil local

6. Le ministre ou une commission peut créer ou proroger un conseil, autre qu'un conseil local, chargé de fournir des services municipaux et en fixer la composition, mais ne peut pas prévoir que ses membres soient élus.

Conseil de transition

7. (1) Si une proposition de restructuration prévoit la dissolution, la constitution ou la fusion d'une ou de plusieurs municipalités, le ministre ou une commission peut, aux fins de la transition, créer un conseil constitué en personne morale.

(2) Le ministre ou une commission peut fixer la composition d'un conseil créé en vertu du paragraphe (1).

(3) Si une proposition de restructuration prévoit la dissolution ou la fusion d'une municipalité, le ministre ou une commission peut prévoir que, tant que la municipalité n'est pas dissoute ou fusionnée :

- a) le conseil créé en vertu du paragraphe (1) peut exercer des pouvoirs déterminés du conseil de la municipalité;
- b) le conseil de la municipalité ne doit pas exercer les pouvoirs déterminés, sans l'approbation du conseil.

(4) Si une proposition de restructuration prévoit la constitution d'une municipalité, le ministre ou une commission peut prévoir que, tant que la municipalité n'est pas constituée, le conseil créé en vertu du paragraphe (1) peut exercer des pouvoirs déterminés dont le conseil de la municipalité sera investi une fois celle-ci constituée.

(5) Si une proposition de restructuration prévoit la fusion de municipalités, le ministre ou une commission peut prévoir que, tant que les municipalités n'ont pas fusionné, le conseil créé en vertu du paragraphe (1) peut exercer des pouvoirs déterminés dont le conseil de la municipalité issue de la fusion sera investi une fois que celle-ci a lieu.

Composition du conseil municipal et de la commission de services municipaux

8. (1) Le ministre ou une commission peut fixer la composition du conseil d'une municipalité pourvu que les conditions suivantes soient réunies :

- a) le conseil a un président et au moins quatre autres membres;
- b) le président du conseil, dans le cas d'une municipalité locale, est élu au scrutin général;
- c) les membres du conseil, dans le cas d'une municipalité locale, sont élus conformément à la *Loi de 1996 sur les élections municipales* et, si les membres du conseil d'une municipalité de palier supérieur sont élus, les élections se tiennent conformément à cette loi;
- d) les membres du conseil ont les qualités requises pour être électeurs en application de l'article 17 de la *Loi de 1996 sur les élections municipales* et ne sont pas inhabiles à occuper cette charge en application d'une loi quelconque;
- e) dans le cas d'une municipalité de palier supérieur, la composition du conseil est conforme aux dispositions 2, 3, 5 et 6 du paragraphe 218 (1) de la Loi.

(2) Le ministre ou une commission peut fixer la composition d'une commission de services municipaux sous réserve des règles énoncées au paragraphe 195 (3) de la Loi.

Qualités requises et titre

9. (1) Le ministre ou une commission peut prévoir les qualités que doit posséder un membre du conseil d'une municipalité pour pouvoir remplacer le président du conseil.

(2) Le ministre ou une commission peut préciser le titre du membre d'un conseil municipal qui remplace le président.

Voix

10. (1) Le ministre ou une commission peut prévoir le nombre de voix dont dispose un membre du conseil d'une municipalité.

(2) Le ministre ou une commission peut prévoir que les membres du conseil d'une municipalité disposent d'un nombre de voix différent à l'égard de questions différentes.

Quartiers

11. Le ministre ou une commission peut constituer des quartiers pour une municipalité et modifier ou dissoudre ceux-ci.

Régime à deux paliers

12. (1) Le présent article ne s'applique que si un régime d'administration municipale à deux paliers existe après la mise en oeuvre d'une proposition de restructuration.

(2) Si une municipalité locale fait partie d'une municipalité de palier supérieur aux fins municipales, que la proposition de restructuration vise la majorité des municipalités locales qui font partie de la municipalité de palier supérieur aux fins municipales et que ces municipalités regroupent la majorité de tous les électeurs de la municipalité de palier supérieur, le ministre ou une commission peut, sous réserve de l'article 5 et des paragraphes (3), (4) et (5), transférer :

- a) à la municipalité de palier supérieur ou à un conseil local de celle-ci le pouvoir de fournir des services ou des installations qu'une loi confère à une municipalité locale ou à un conseil local d'une telle municipalité;
- b) à une municipalité locale ou à un conseil local d'une telle municipalité le pouvoir de fournir des services ou des installations qu'une loi confère à la municipalité de palier supérieur ou à un conseil local de celle-ci.

(3) La municipalité locale ou le conseil local d'une telle municipalité auquel un pouvoir d'une municipalité de palier supérieur ou d'un conseil local d'une telle municipalité est transféré peut exercer ce pouvoir aux fins de la municipalité locale seulement.

(4) Le paragraphe (2) n'a pas pour effet d'autoriser le transfert des pouvoirs que la *Loi sur les foyers pour personnes âgées et les maisons de repos* ou la *Loi de 1997 sur le programme Ontario au travail* confère à une municipalité de palier supérieur ou à un conseil local d'une telle municipalité ou le transfert d'un pouvoir que la *Loi sur les services policiers* ou la *Loi sur l'aménagement du territoire* confère à une municipalité, à l'exception de l'approbation des plans de lotissement en vertu des articles 51, 51.1 et 51.2 de cette dernière loi ainsi que l'octroi d'autorisations en vertu de l'article 53 de cette même loi.

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Le pouvoir d'une municipalité ou d'un conseil local qui est transféré en application du paragraphe (2) devient le pouvoir exclusif de la municipalité à laquelle il est transféré, sauf s'il est prévu expressément que la municipalité ou le conseil local dont il a été transféré peut continuer à l'exercer.

Transfert d'un pouvoir

13. Le ministre ou une commission peut prévoir que la municipalité ou le conseil local dont le pouvoir de fournir un service ou une installation a été transféré en application de l'article 12 peut, par accord conclu avec la municipalité ou le conseil local auquel le pouvoir a été transféré, fournir un service ou une installation du type autorisé en vertu du pouvoir transféré.

Changement de statut et de nom

14. Le ministre ou une commission peut prévoir et changer le statut et le nom d'une municipalité ainsi que le nom d'un conseil local pourvu que les conditions suivantes soient remplies après le changement :

- a) dans le cas d'un régime d'administration municipale à deux paliers, la municipalité de palier supérieur a le statut d'une municipalité de palier supérieur et les municipalités de palier inférieur ont le statut de municipalités de palier inférieur;
- b) la municipalité locale qui ne fait pas partie d'une municipalité de palier supérieur aux fins municipales a le statut d'une municipalité à palier unique;
- c) le nom d'une municipalité n'est pas identique à celui d'une autre municipalité de l'Ontario.

Transfert des actifs et des passifs

15. Sous réserve de l'alinéa 3 (1) a) et de l'article 5, le ministre ou une commission peut transférer les actifs, les passifs, les droits et les obligations de municipalités et de conseils locaux à d'autres municipalités et conseils locaux et fixer la somme qu'une municipalité ou un conseil local doit verser à une autre municipalité ou à un autre conseil local en règlement du transfert.

Exigences ou restrictions

16. (1) Le ministre ou une commission peut imposer des exigences ou des restrictions au conseil d'une municipalité visée par une proposition de restructuration à l'égard de ce qui suit :

1. Les questions financières.
2. L'affectation des économies résultant des contrôles budgétaires.
3. La constitution et le maintien de réserves et de fonds de réserve.
4. Les versements qu'une municipalité ou un conseil local doit faire à une municipalité ou à un conseil local.
5. Les dépenses à l'égard de services municipaux déterminés et les contributions à d'autres municipalités pour des services municipaux déterminés dont la municipalité qui fait la contribution tire un avantage.
6. La vente d'éléments d'actif et l'affectation du produit.
7. Les redressements des taux d'imposition visant les contribuables d'une partie quelconque de la municipalité effectués à l'égard des transports en commun, des services policiers, des parcs, des routes, des offices de conservation de la nature et des services de traversier.
8. L'engagement d'employés.
9. La création de comités aux fins de la transition et leur composition.
10. Les dispositions du règlement de procédure régissant la convocation, le lieu et le déroulement des réunions.

(2) Le ministre ou une commission peut exiger que le conseil d'une municipalité examine une question au moment que précise le ministre ou la commission.

(3) Les exigences ou restrictions visées à la disposition 1 du paragraphe (1) qui ont trait aux questions financières ne peuvent s'appliquer que pendant l'année au cours de laquelle l'arrêté ou l'ordonnance qui les impose entre en vigueur et pendant l'année suivante.

(4) Les exigences ou restrictions qui ont trait aux dispositions du règlement de procédure visé à la disposition 10 du paragraphe (1) ne portent pas atteinte au pouvoir qu'a le conseil de la municipalité de le modifier ultérieurement.

Routes

17. Si une proposition de restructuration a pour effet de transférer d'une municipalité de palier supérieur à une municipalité locale la responsabilité de construire ou d'entretenir des routes, le ministre ou une commission peut exiger que la municipalité locale construise et entretienne les routes conformément à des normes déterminées.

Services d'incendie multiples

18. Le ministre ou une commission peut permettre à une municipalité d'avoir plus d'un service d'incendie et d'avoir un chef des pompiers par service.

Mutation d'employés

19. (1) Les définitions qui suivent s'appliquent au présent article.

«ancienne municipalité» Municipalité qui est dissoute ou fusionnée par suite d'une proposition de restructuration. («former municipality»)

«nouvelle municipalité» Municipalité qui est constituée par suite d'une proposition de restructuration ou qui sera issue d'une fusion consécutive à une proposition de restructuration. («new municipality»)

(2) Le présent article ne s'applique qu'à l'égard d'une personne qui, immédiatement avant la dissolution ou la fusion d'une ancienne municipalité, est un employé de l'ancienne municipalité ou d'un de ses conseils locaux.

(3) Le ministre ou une commission peut ordonner qu'un employé d'une ancienne municipalité devienne un employé d'une nouvelle municipalité ou d'un conseil local de cette dernière.

(4) Le ministre ou une commission peut ordonner qu'un employé d'un conseil local d'une ancienne municipalité devienne un employé d'une nouvelle municipalité ou d'un conseil local de cette dernière.

Mutation d'employés ne faisant pas partie d'une unité de négociation

20. (1) Les définitions qui figurent au paragraphe 19 (1) s'appliquent au présent article.

(2) Le présent article ne s'applique qu'à l'égard d'une personne qui, immédiatement avant la dissolution ou la fusion d'une ancienne municipalité, est un employé de l'ancienne municipalité ou d'un de ses conseils locaux et ne fait pas partie d'une unité de négociation.

(3) Le ministre ou une commission peut ordonner que la durée de l'emploi ou des états de service d'un employé qui devient, aux termes de l'arrêté ou de l'ordonnance, un employé d'une nouvelle municipalité ou d'un de ses conseils locaux soit réputée comprendre :

- a) si l'employé était employé par une ancienne municipalité immédiatement avant sa dissolution ou sa fusion, un pourcentage de la durée de l'emploi ou des états de service de l'employé auprès de l'ancienne municipalité et de tout conseil local de cette dernière;
- b) si l'employé était employé par un conseil local d'une ancienne municipalité immédiatement avant la dissolution ou la fusion de cette dernière, un pourcentage de la durée de l'emploi ou des états de service de l'employé auprès du conseil local, de l'ancienne municipalité et de tout autre conseil local de cette dernière.

(4) Le paragraphe (5) ne s'applique à l'égard d'un employé que si les conditions suivantes sont réunies :

- a) l'employé devient, aux termes d'un arrêté ou d'une ordonnance, un employé d'une nouvelle municipalité ou d'un de ses conseils locaux;
- b) le poste que l'employé occupait auprès de l'ancienne municipalité ou d'un de ses conseils locaux immédiatement avant la dissolution ou la fusion de celle-ci serait compris dans une unité de négociation s'il était occupé auprès de la nouvelle municipalité ou du conseil local dont l'employé devient un employé aux termes de l'arrêté ou de l'ordonnance.

(5) Sous réserve du paragraphe (4), le ministre ou une commission peut ordonner qu'un employé soit réputé faire partie de l'unité de négociation visée à l'alinéa (4) b) avec une ancienneté qui est réputée comprendre :

- a) si l'employé était employé par une ancienne municipalité immédiatement avant sa dissolution ou sa fusion, un pourcentage de la durée de son emploi à chaque poste qu'il a occupé auprès de l'ancienne municipalité et de tout conseil local de cette dernière et qui serait compris dans l'unité de négociation dont l'employé est réputé faire partie si le poste était occupé auprès de la nouvelle municipalité ou du conseil local dont l'employé devient un employé aux termes de l'arrêté ou de l'ordonnance;
- b) si l'employé était employé par un conseil local d'une ancienne municipalité immédiatement avant la dissolution ou la fusion de cette dernière, un pourcentage de la durée de son emploi à chaque poste qu'il a occupé auprès du conseil local de l'ancienne municipalité et de tout autre conseil local de celle-ci et qui serait compris dans l'unité de négociation dont l'employé est réputé faire partie si le poste était occupé auprès de la nouvelle municipalité ou du conseil local dont l'employé devient un employé aux termes de l'arrêté ou de l'ordonnance.

(6) Le pourcentage de la durée de l'emploi ou des états de service visé aux paragraphes (3) et (5) est précisé dans l'arrêté ou l'ordonnance et peut être tout pourcentage ne dépassant pas 100 pour cent.

(7) Le ministre ou une commission peut prévoir qu'un différend portant sur l'application, lors de la détermination d'un droit ou d'une obligation aux termes d'une convention collective, de la partie de l'arrêté du ministre ou de l'ordonnance de la

commission qui résulte de l'exercice d'un pouvoir prévu au présent article soit régie comme si il s'agissait d'un différend portant sur l'interprétation, l'application ou l'administration de la convention.

Membre suppléant d'un conseil municipal

21. Le ministre ou une commission peut prévoir qu'un suppléant agisse en tant que membre du conseil d'une municipalité de palier supérieur en l'absence d'un membre qui fait aussi partie du conseil d'une municipalité locale.

Plans officiels, règlements et résolutions

22. (1) Sous réserve de l'article 5 et des paragraphes (2), (3) et (4), le ministre ou une commission peut prévoir la prorogation, la cessation, la prolongation ou autre des plans officiels, des règlements et des résolutions des municipalités et des conseils locaux d'une zone géographique visée par une proposition de restructuration.

(2) Les plans officiels et les règlements de zonage relatifs à un secteur d'une zone géographique visée par une proposition de restructuration sont réputés des plans officiels et des règlements de zonage des municipalités et des conseils locaux dont relève le secteur après l'entrée en vigueur de la proposition, jusqu'à ce qu'ils soient modifiés ou abrogés en application de la *Loi sur l'aménagement du territoire*.

(3) Les règlements municipaux adoptés en vertu de l'article 2 de la *Loi de 1997 sur les redevances d'aménagement* ne doivent pas viser un secteur plus grand que celui auquel ils s'appliquaient avant la restructuration.

(4) Les règlements ou les résolutions que le conseil d'une municipalité ou un conseil local ne pouvait légalement abroger ne peuvent être abrogés en vertu du paragraphe (1).

Conseil intérimaire

23. (1) Sous réserve des alinéas 8 (1) a) et d), le ministre ou une commission peut, si une proposition de restructuration entre en vigueur à un moment autre que la fin du mandat ordinaire du conseil d'une municipalité, prévoir un conseil intérimaire dont les membres occupent leur charge jusqu'à la fin du mandat ordinaire et en fixer la composition.

(2) Les membres du conseil intérimaire se déterminent, selon le cas :

- a) par la tenue d'une élection partielle en application de l'article 65 de la *Loi de 1996 sur les élections municipales*, une telle élection ne devant toutefois pas se tenir au cours d'une année d'élections municipales ordinaires;
- b) par la désignation de membres des conseils des municipalités dont une partie quelconque se trouvait dans la zone géographique avant l'entrée en vigueur de la proposition de restructuration.

(3) La définition qui suit s'applique au présent article.

«zone géographique» La zone géographique visée par la proposition de restructuration.

(4) Dans le cas d'une proposition de restructuration visant à annexer un territoire non érigé en municipalité à une municipalité, les membres du conseil intérimaire se déterminent, selon le cas :

- a) par la tenue d'une élection partielle en application de l'article 65 de la *Loi de 1996 sur les élections municipales*, une telle élection ne devant toutefois pas se tenir au cours d'une année d'élections municipales ordinaires;
- b) par la désignation de membres des conseils des municipalités dont une partie quelconque se trouvait dans la zone géographique avant l'entrée en vigueur de la proposition de restructuration;
- c) par la tenue d'une élection spéciale, conformément aux modalités énoncées à l'article 24, pour déterminer les membres du conseil élus dans le territoire non érigé en municipalité tel qu'il existait avant l'entrée en vigueur de la proposition de restructuration;
- d) par une combinaison des méthodes visées aux alinéas b) et c).

(5) Le ministre ou une commission peut faire ce qui suit :

- a) abrégé le mandat ordinaire du conseil d'une municipalité ou d'un conseil local et le faire terminer à la date où commence le mandat du conseil ou conseil local intérimaire;
- b) prolonger le mandat ordinaire du conseil d'une municipalité ou d'un conseil local jusqu'à la date où entre en vigueur une proposition de restructuration ou, si cette date est antérieure à l'autre, au 1^{er} janvier de l'année qui suit les élections municipales ordinaires.

Annexion d'un territoire non érigé en municipalité

24. (1) Dans le cas d'une proposition de restructuration visant à annexer un territoire non érigé en municipalité à une municipalité, une élection spéciale est tenue conformément au présent article pour déterminer les membres du conseil élus dans le territoire tel qu'il existait avant l'entrée en vigueur de la proposition.

(2) Est habile à voter à l'élection spéciale quiconque aurait eu le droit d'être électeur à l'élection dans le territoire non érigé en municipalité en application de l'article 17 de la *Loi de 1996 sur les élections municipales* si ce territoire avait été une municipalité locale.

(3) Peut être déclaré candidat à une charge lors de l'élection spéciale quiconque, le jour de la déclaration de sa candidature :

- a) soit serait habile à voter à l'élection spéciale en application du paragraphe (2) si l'élection se tenait ce jour-là;
- b) soit aurait le droit d'être électeur à une élection en application de l'article 17 de la *Loi de 1996 sur les élections municipales* si l'élection se tenait ce jour-là dans la municipalité à laquelle le territoire non érigé en municipalité sera annexé.

(4) L'élection spéciale se tient selon les modalités suivantes :

1. Le secrétaire de la municipalité qui compte le plus grand nombre d'électeurs des municipalités dont une partie quelconque se trouvait dans la zone géographique avant l'entrée en vigueur de la proposition de restructuration est chargé de la tenue de l'élection spéciale.
2. Le jour de la déclaration de candidature pour l'élection spéciale tombe au moins 14 jours avant le jour du scrutin.
3. Au moins 14 jours avant le jour de la déclaration de candidature, le secrétaire donne un avis des charges auxquelles des personnes peuvent être déclarées candidates et des modalités de déclaration de candidature énoncées au présent paragraphe.
4. Une personne peut être déclarée candidate à une charge en déposant une déclaration de candidature au bureau du secrétaire.
5. Si, après que se termine le jour de la déclaration de candidature, le nombre de candidats à une charge est égal ou inférieur au nombre de candidats à élire, le secrétaire déclare le ou les candidats élus sans concurrent.
6. Si, après que se termine le jour de la déclaration de candidature, une charge demeure vacante, l'article 263 de la Loi s'applique si le nombre de membres du conseil est suffisant pour atteindre le quorum.
7. Le secrétaire convoque une réunion dans le but de tenir un vote aux fins de l'élection spéciale.
8. La réunion se tient dans le territoire non érigé en municipalité ou dans une municipalité locale adjacente.
9. Le secrétaire donne un avis de convocation de la réunion d'au moins 14 jours :
 - i. soit par publication dans un journal qui, selon lui, a une grande diffusion dans le territoire non érigé en municipalité,
 - ii. soit, s'il est d'avis qu'un tel journal n'existe pas, de toute autre manière qui, selon lui, donnera un avis de convocation adéquat aux personnes habiles à voter.
10. L'avis de convocation de la réunion énonce ce qui suit :
 - i. l'objet de la réunion,
 - ii. les lieu, date et heure de la réunion,
 - iii. une description des personnes habiles à voter lors de la réunion.
11. Le secrétaire préside la réunion.
12. Le secrétaire tient un vote auprès des personnes présentes à la réunion afin de déterminer les membres du conseil élus dans le territoire non érigé en municipalité. Il détermine comment tenir le vote. Il consigne les résultats du vote et le nombre de suffrages exprimés.
13. Le secrétaire annonce les résultats du vote. Si deux candidats ou plus qui ne peuvent être tous deux ou tous déclarés élus à une charge ont reçu le même nombre de suffrages, il choisit par tirage au sort le ou les candidats qui l'emportent.
14. Le secrétaire garde les bulletins de vote ainsi que tout autre document et matériel relatif à l'élection jusqu'à ce que soient entrés en fonction les successeurs des personnes élues lors de l'élection spéciale tenue en application du présent article.

(5) La définition qui suit s'applique à la disposition 1 du paragraphe (4).

«zone géographique» La zone géographique visée par la proposition de restructuration.

(6) Les frais engagés pour la tenue de l'élection spéciale par le secrétaire de la municipalité qui compte le plus grand nombre d'électeurs sont payés par cette municipalité.

(7) La municipalité qui compte le plus grand nombre d'électeurs paie les frais aussitôt que possible après que son secrétaire a signé une attestation en confirmant le montant.

Dispositions spéciales au cours d'une année d'élections

25. (1) Si une proposition de restructuration entre en vigueur au cours d'une année d'élections municipales ordinaires conformément à l'article 30, le ministre ou une commission peut prendre des dispositions spéciales afin de faire ce qui suit :

a) tenir des élections municipales ordinaires au cours de cette année-là conformément à la *Loi de 1996 sur les élections municipales*;

b) tenir des élections ordinaires au cours de cette année-là conformément à la *Loi sur l'éducation*.

(2) Si une proposition de restructuration entre en vigueur entre, inclusivement, le 1^{er} décembre d'une année d'élections municipales ordinaires et le 1^{er} janvier de l'année suivante, le ministre ou une commission peut prévoir la tenue des élections municipales ordinaires conformément à la *Loi de 1996 sur les élections municipales* ainsi que d'élections ordinaires conformément à la *Loi sur l'éducation* comme si les municipalités, les conseils scolaires et les conseils locaux qui existeront après la restructuration existaient déjà.

Pouvoirs : impôts

26. (1) Le ministre ou une commission peut prévoir l'introduction progressive de toute modification des impôts fonciers qui survient par suite d'un arrêté ou d'une ordonnance pris en vertu du présent règlement.

(2) Le ministre ou une commission peut prévoir que s'appliquent aux contribuables d'un secteur quelconque d'une municipalité les redressements des taux d'imposition effectués à l'égard des dettes, des déficits, des excédents, des réserves ou des fonds de réserve de municipalités et de conseils locaux constitués avant l'entrée en vigueur de la proposition de restructuration.

Dissolution de certaines régies

27. (1) Les définitions qui suivent s'appliquent au présent article.

«régie des routes locales» Régie chargée d'une zone de routes locales au sens de l'article 1 de la *Loi sur les régies des routes locales*. («local roads board»)

«régie locale des services publics» Régie locale des services publics créée en vertu de la *Loi sur les régies des services publics du Nord*. («local services board»)

(2) Le ministre ou une commission peut dissoudre tout ou partie d'une régie des routes locales ou d'une régie locale des services publics pourvu que, au moment de la dissolution, les passifs et les obligations de la régie des routes locales ou de la régie locale des services publics qui a été dissoute ou les passifs et les obligations liés à la partie dissoute de la régie des routes locales ou de la régie locale des services publics soient dévolus à une ou plusieurs municipalités locales ou à un ou plusieurs conseils locaux qui existent, après la dissolution, dans le territoire de la régie des routes locales ou de la régie locale des services publics.

(3) Si une proposition de restructuration prévoit la dissolution de tout ou partie d'une ou de plusieurs régies des routes locales ou régies locales des services publics, le ministre ou une commission peut faire ce qui suit :

a) sous réserve du paragraphe (2), transférer les actifs, les passifs, les droits et les obligations des régies des routes locales ou des régies locales des services publics à une municipalité ou à un conseil local et fixer la somme qu'une municipalité ou un conseil local doit verser à la régie des routes locales ou à la régie locale des services publics en règlement du transfert;

b) prévoir que s'appliquent aux contribuables d'un secteur quelconque d'une municipalité les redressements des taux d'imposition effectués à l'égard des dettes, des déficits, des excédents, des réserves ou des fonds de réserve de régies des routes locales ou de régies locales des services publics constitués avant l'entrée en vigueur de la proposition de restructuration;

c) prévoir la prorogation, la cessation, la prolongation ou autre des règlements et des résolutions des régies des routes locales ou des régies locales des services publics d'une zone géographique visée par une proposition de restructuration.

(4) Les règlements ou les résolutions qu'une régie des routes locales ou une régie locale des services publics ne pouvait légalement abroger ne peuvent être abrogés en vertu de l'alinéa (3) c).

Arbitrage

28. Le ministre ou une commission peut prévoir dans un arrêté ou une ordonnance que toute question découlant de l'interprétation de l'arrêté ou de l'ordonnance soit réglée par arbitrage conformément à la *Loi de 1991 sur l'arbitrage* ou par une autre méthode déterminée dans l'arrêté ou l'ordonnance.

Restrictions

29. Pour mettre en oeuvre une proposition de restructuration, le ministre ou une commission peut ordonner qu'une municipalité visée par la proposition ne doit prendre aucune des mesures suivantes ou qu'elle ne peut les prendre que selon ce que permet l'arrêté ou l'ordonnance :

1. Présenter une proposition de restructuration en vertu de l'article 173 de la Loi.

2. Demander la création d'une commission en vertu de l'article 174 de la Loi.

Date d'entrée en vigueur

30. (1) Sous réserve du paragraphe (2), l'arrêté du ministre ou l'ordonnance d'une commission qui met en oeuvre une proposition de restructuration ne doit pas entrer en vigueur entre, inclusivement, le 2 janvier et le 30 novembre d'une année d'élections municipales ordinaires.

(2) L'arrêté ou l'ordonnance visé au paragraphe (1) peut entrer en vigueur entre, inclusivement, le 2 janvier et le 1^{er} juillet d'une année d'élections municipales ordinaires si les conditions suivantes sont remplies :

- a) aucune modification n'est apportée aux quartiers d'une municipalité locale qui existaient le 1^{er} janvier de l'année;
- b) aucun nouveau quartier d'une municipalité locale n'est créé, autre qu'un quartier qui est constitué uniquement de la totalité du territoire :
 - (i) soit d'un ou de plusieurs quartiers d'une municipalité locale qui existaient le 1^{er} janvier de l'année,
 - (ii) soit d'une ou de plusieurs municipalités locales qui existaient, mais n'avaient aucun quartier, le 1^{er} janvier de l'année;
- c) aucune municipalité locale qui existait le 1^{er} janvier de l'année n'est divisée ou partiellement dissoute;
- d) les municipalités locales et les quartiers d'une municipalité locale demeurent entièrement dans les limites d'une ou plusieurs zones géographiques entre lesquelles les postes de conseillers scolaires sont répartis cette année-là en application d'un règlement pris en application de l'alinéa 58.1 (2) k) de la *Loi sur l'éducation*.

Abrogation

31. Le Règlement de l'Ontario 143/96 et les Règlements de l'Ontario 389/96, 557/96, 76/97, 134/97, 241/97, 426/97, 622/99 et 74/00 sont abrogés.

22/03

ONTARIO REGULATION 205/03

made under the

MUNICIPAL ACT, 2001

Made: May 1, 2003

Filed: May 16, 2003

Amending O. Reg. 216/96
(Restructuring Proposals)

Note: Ontario Regulation 216/96 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The definition of "part" in subsection 1 (1) of Ontario Regulation 216/96 is revoked and the following substituted:

"part", in relation to an upper-tier municipality, means part of the upper-tier municipality for municipal purposes. ("partie")

(2) Subsection 1 (5) of the Regulation is revoked and the following substituted:

(5) For the purposes of subsections (2) and (3), the number of electors in a local municipality, unorganized territory or an upper-tier municipality, in relation to a restructuring proposal, shall be determined as follows:

- 1. In local municipalities, upper-tier municipalities and unorganized territory where a school board has jurisdiction, the number of electors is the number of persons whose names appear on the voters' list, as amended up until the close of voting on voting day at the most recent regular election under the *Municipal Elections Act, 1996* preceding the submission of a restructuring proposal to the Minister under subsection 173 (1) of the *Municipal Act, 2001*.
- 2. In unorganized territory where a school board does not have jurisdiction, the number of electors is the number of individuals whose names are registered, as owners or tenants in the unorganized territory, in the provincial land tax register kept under the *Provincial Land Tax Act*. The register used shall be the register for the 31st day of December following the close of voting on voting day at the most recent regular election under the *Municipal Elections Act, 1996*. If the register for that date is not yet available at the time the restructuring proposal is submitted to the Minister the register used shall be the register for the 31st day of December preceding that date.

2. Subsection 2 (1) of the Regulation is revoked and the following substituted:

(1) If unorganized territory would, as the result of a restructuring proposal, become part of a local municipality, persons who would have been entitled to be electors in an election in the unorganized territory under section 17 of the *Municipal Elections Act, 1996* had the unorganized territory been a local municipality form a local body for the purposes of section 172 of the *Municipal Act, 2001*.

3. (1) Subsection 3 (1) of the Regulation is amended by striking out "subsection 25.2 (2)" in the portion before the paragraph 1 and substituting "subsection 173 (1)".

(2) Paragraphs 2, 3 and 4 of subsection 3 (1) of the Regulation are amended by striking "a county" wherever it appears and substituting in each case "an upper-tier municipality".

(3) Paragraph 5 of subsection 3 (1) of the Regulation is revoked and the following substituted:

5. Amalgamating upper-tier municipalities.

(4) Clause 3 (2) (a) of the Regulation is amended by striking out "a county" and substituting "an upper-tier municipality".

(5) Subclauses 3 (2) (b) (i) and (ii) of the Regulation are revoked and the following substituted:

(i) being part of more than one upper-tier municipality, or

(ii) being part of an upper-tier municipality if any other part of the local municipality is not part of that upper-tier municipality;

(6) Clause 3 (2) (c) of the Regulation is amended by striking out "a county" and substituting "an upper-tier municipality".

4. (1) Subparagraph 1 ii of section 4 of the Regulation is amended by striking out "a county" wherever it appears and substituting in each instance "an upper-tier municipality".

(2) Paragraph 2 of section 4 of the Regulation is revoked and the following substituted:

2. The support of an upper-tier municipality if, as a result of the restructuring proposal,

i. a local municipality that is part of the upper-tier municipality would have any part of its boundaries changed, would be dissolved or would be amalgamated with another local municipality, or

ii. the upper-tier municipality would have any part of its boundaries changed, would be dissolved or would be amalgamated with another upper-tier municipality.

(3) Paragraph 3 of section 4 of the Regulation is amended by striking out "a county" and substituting "an upper-tier municipality".

5. Subsection 10 (1) of the Regulation is amended by striking out "county" and substituting "upper-tier municipality".

6. Subsection 11 (2) of the Regulation is revoked and the following substituted:

(2) A person is eligible to vote at the meeting if the person would have been entitled to be an elector at an election in the unorganized territory under section 17 of the *Municipal Elections Act, 1996* had the unorganized territory been a local municipality.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on May 1, 2003.

RÈGLEMENT DE L'ONTARIO 205/03

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉSpris le 1^{er} mai 2003
déposé le 16 mai 2003modifiant le Règl. de l'Ont. 216/96
(Propositions de restructuration)

Remarque : Le Règlement de l'Ontario 216/96 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) La définition de «partie» au paragraphe 1 (1) du Règlement de l'Ontario 216/96 est abrogée et remplacée par ce qui suit :

«partie» À l'égard d'une municipalité de palier supérieur, s'entend d'une partie de la municipalité aux fins municipales. («part»)

(2) Le paragraphe 1 (5) du Règlement est abrogé et remplacé par ce qui suit :

(5) Pour l'application des paragraphes (2) et (3), le nombre d'électeurs d'une municipalité locale, d'un territoire non érigé en municipalité ou d'une municipalité de palier supérieur, en ce qui concerne une proposition de restructuration, est établi de la façon suivante :

1. Dans les municipalités locales, les municipalités de palier supérieur et les territoires non érigés en municipalité où un conseil scolaire a compétence, le nombre d'électeurs est le nombre de personnes inscrites sur la liste électorale, telle qu'elle est modifiée jusqu'à la clôture du scrutin le jour du scrutin lors des dernières élections ordinaires tenues aux termes de la *Loi de 1996 sur les élections municipales* avant la présentation d'une proposition de restructuration au ministre en vertu du paragraphe 173 (1) de la *Loi de 2001 sur les municipalités*.
2. Dans un territoire non érigé en municipalité où aucun conseil scolaire n'a compétence, le nombre d'électeurs est le nombre de particuliers qui sont inscrits, à titre de propriétaires ou de locataires dans le territoire non érigé en municipalité, dans le registre d'imposition foncière provinciale tenu aux termes de la *Loi sur l'impôt foncier provincial*. Le registre employé est celui en date du 31 décembre suivant la clôture du scrutin le jour du scrutin lors des dernières élections ordinaires tenues aux termes de la *Loi de 1996 sur les élections municipales*. Si ce registre n'est pas encore prêt au moment de la présentation de la proposition de restructuration au ministre, le registre employé est celui en date du 31 décembre précédant le jour du scrutin.

2. Le paragraphe 2 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) Si un territoire non érigé en municipalité doit, par suite d'une proposition de restructuration, faire partie d'une municipalité locale, constituent un organisme local pour l'application de l'article 172 de la *Loi de 2001 sur les municipalités* les personnes qui, en vertu de l'article 17 de la *Loi de 1996 sur les élections municipales*, auraient eu le droit d'être électeurs à une élection tenue dans le territoire si celui-ci avait été une municipalité locale.

3. (1) Le paragraphe 3 (1) du Règlement est modifié par substitution de «paragraphe 173 (1)» à «paragraphe 25.2 (2)» dans le passage qui précède la disposition 1.

(2) Les dispositions 2, 3 et 4 du paragraphe 3 (1) du Règlement sont modifiées par substitution de «une municipalité de palier supérieur» à «un comté» dans chaque disposition.

(3) La disposition 5 du paragraphe 3 (1) du Règlement est abrogée et remplacée par ce qui suit :

5. La fusion de municipalités de palier supérieur.

(4) L'alinéa 3 (2) a) du Règlement est modifié par substitution de «d'une municipalité de palier supérieur» à «d'un comté».

(5) Les sous-alinéas 3 (2) b) (i) et (ii) du Règlement sont abrogés et remplacés par ce qui suit :

(i) soit fait partie de plus d'une municipalité de palier supérieur,

(ii) soit fait partie d'une municipalité de palier supérieur si une autre partie de la municipalité locale n'en fait pas partie;

(6) L'alinéa 3 (2) c) du Règlement est modifié par substitution de «une municipalité de palier supérieur n'est formée» à «un comté n'est formé».

11 (2) La sous-disposition 1 ii de l'article 4 du Règlement est modifiée par substitution de «d'une municipalité de palier supérieur» à «d'un comté».

(2) La disposition 2 de l'article 4 du Règlement est abrogée et remplacée par ce qui suit :

2. L'appui d'une municipalité de palier supérieur si, par suite de la proposition de restructuration :

- i. soit une municipalité locale qui fait partie de la municipalité de palier supérieur doit voir une partie de ses limites territoriales modifiée, doit être dissoute ou doit être fusionnée avec une autre municipalité locale,
- ii. soit la municipalité de palier supérieur doit voir une partie de ses limites territoriales modifiée, doit être dissoute ou doit être fusionnée avec une autre municipalité de palier supérieur.

(3) La disposition 3 de l'article 4 du Règlement est modifiée par substitution de «d'une municipalité de palier supérieur» à «d'un comté».

5. Le paragraphe 10 (1) du Règlement est modifié par substitution de «une municipalité de palier supérieur» à «un comté».

6. Le paragraphe 11 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) Ont le droit de voter à l'assemblée les personnes qui, en vertu de l'article 17 de la Loi de 1996 sur les élections municipales, auraient eu le droit d'être électeurs à une élection tenue dans le territoire non érigé en municipalité si celui-ci avait été une municipalité locale.

DAVID STUART YOUNG
Ministre des Affaires municipales et du Logement

Fait le 1^{er} mai 2003.

22/03



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Ontario Highway Transport Board

NOTICE

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the *Motor Vehicle Transport Act, 1987*, and the *Public Vehicles Act*. All information pertaining to the applicant i.e. business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

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For the transportation of passengers on a chartered trip from points in the Regional Municipalities of Peel, York and Durham and the City of Toronto.

23/03

Felix D'Mello
Board Secretary/
Secrétaire de la Commission

Government Notices Respecting Corporations Avis du gouvernement relatifs aux compagnies

Certificates of Dissolution Certificats de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act*, has been endorsed. The effective date of dissolution precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les compagnies*, un certificat de dissolution a été inscrit pour les compagnies

suivantes : la date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2003-04-25

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902542 ONTARIO LTD.	902542

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2003-04-30	
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WYNOR ENTERPRISES LIMITED	614292
1344917 ONTARIO LIMITED	1344917
1458457 ONTARIO LIMITED	1458457
2003-05-22	
AIR-PLUS COMPRESSORS LTD.	1174951
ALPHA PERSONAL DENTAL CARE SYSTEMS INCORPORATED	783141
ARMI REAL INC.	880772
BIARD & ASSOCIATES INC.	1019961
BUCKLEY ASSOCIATES MANAGEMENT INC.	646701
ENTRENU INC.	1095735
JOHN BETZ LIMITED	337397
MARKHAM DOORS AND WINDOWS INC.	1519103
PC SOURCE SYSTEMS INC.	933425
SARNIA & LAMBTON HOUSING CORPORATION . . .	2000542
SCHOLAR COMPUTERS INC.	937677
SKYTAC CANADA INC.	1238245
SLAKI INC.	1510948
SOGA FOOD SERVICES INC.	1275447
WILSON & WADE MUNICIPAL CONSULTANTS INC. .	548225
477572 ONTARIO LIMITED	477572
858726 ONTARIO LIMITED	858726
986702 ONTARIO INC.	986702
2003-05-23	
HALLMARK DEVELOPMENTS (OWEN SOUND) INC. .	724601
MILLION GROWTH DEVELOPMENT (CANADA) LTD. .	1209135
WAKEUNLING HEATING & REFRIGERATION INC. . .	1026431
1280917 ONTARIO LIMITED	1280917
1413665 ONTARIO LTD.	1413665
1465036 ONTARIO INC.	1465036

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

Corporations Information Act

Avis de non-observation de la loi sur les renseignements exigés des compagnies et des associations

NOTICE IS HEREBY GIVEN under subsection 241 (3) of the *Business Corporations Act* that unless the corporations listed hereunder comply with the filing requirements under the *Corporations Information Act* within 90 days of this notice orders dissolving the corporation(s) will be issued. The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (3) de la *Loi sur les sociétés par actions*, si les compagnies mentionnées ci-dessous ne se conforment pas aux exigences de dépôt requises par la *Loi sur les renseignements exigés des compagnies et des associations* dans un délai de 90 jours suivant la réception du présent avis, des ordonnances de dissolution seront délivrées contre lesdites compagnies. La date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2003-05-23

FIRST CANADIAN AMERICAN HOLDING CORPORATION.....	1542547
FIRST CANADIAN AMERICAN TRUST COMPANY LTD.	1542548
INSURED AIR INC.	1542384
JUST CUZ LIMITED	1542417
RUSHARD ENTERPRISES LIMITED	1542282
STAR CHOICE MARKETING INC.	1218900
THE BERKSHIRE COLLECTION INC.	1542550
THE GOLDBERG REPORT LTD.	1542541
1542256 ONTARIO LIMITED.....	1542256
1557939 ONTARIO INC.	1557939
2022041 ONTARIO LIMITED.....	2022041

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

23/03

Notice of Default in Complying with the Corporations Tax Act

Avis d'inobservation de la loi sur les corporations

The Director has been notified by the Minister of Revenue that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241 (1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Corporations Tax Branch, Ministry of Revenue, 33 King Street West, Oshawa, Ontario L1H 8H6.

Le ministre du Revenu a informé l'administrateur unique que les compagnies suivantes n'avaient pas respecté la Loi sur l'imposition des personnes morales.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (1) de la *Loi sur les compagnies*, si les compagnies citées ci-dessous ne se conforment pas aux prescriptions énoncées par la Loi sur l'imposi-

ou present avis, lesdites compagnies se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à la Direction de l'imposition des compagnies, ministère du Revenu, 33, rue King ouest, Oshawa (Ontario) L1H 8H6.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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C. TRACY FOR HAULAGE INC.	345344
EASTOWN ELECTRIC COMPANY LIMITED.....	319492
KAN ACT LTD.	336996
KIRKFIELD MEDICAL CENTRE INCORPORATED	363541
RUDY LALONDE ENTERPRISES LIMITED	359876
SHARPLEY REALTIES LTD.	339988
THE J. REDMOND ELEVATOR COMPANY LTD.	334604
WALLY'S CONSTRUCTION LTD.	354036
408296 ONTARIO LIMITED.....	408296
718212 ONTARIO LTD.	718212

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

23/03

Cancellation of Certificates of Incorporation

(Business Corporations Act)

Annulation de certificats de constitution en personne morale

(Loi sur les sociétés par actions)

NOTICE IS HEREBY GIVEN that by orders under subsection 241 (4) of the *Business Corporations Act*, the certificates of incorporation set out hereunder have been cancelled and corporation(s) have been dissolved. The effective date of cancellation precedes the corporation listing.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (4) de la *Loi sur les sociétés par actions*, les certificats présentés ci-dessous ont été annulés et les compagnies ont été dissoutes. La dénomination sociale des compagnies concernées est précédée de la date de prise d'effet de l'annulation.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2003-01-10	
VUI-VIRTUALLY UNLIMITED INTERNATIONAL INC.	1541069
2003-01-23	
1558270 ONTARIO CORP.	1558270
2003-01-27	
1559102 ONTARIO INC.	1559102

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

23/03

Co-operative Corporations Act

(Certificate of Incorporation Issued)

Loi sur les Sociétés Coopératives

(Certificat de constitution délivré)

NOTICE IS HEREBY GIVEN that, under the *Co-operative Corporations Act*, a certificate of Incorporation has been issued to:

AVIS EST PAR LES PRÉSENTES DONNÉ qu'en vertu de la *Loi sur les Sociétés Coopératives* un certificat de constitution a été délivré à :

Name of Corporation and Head Office:
Nom de la compagnie et siège social :

2003-05-21

Southwest Beef Breeder Co-operative Ltd., Toronto

JOHN M. HARPER,
Director, Compliance Branch, Licensing and

Co-operative Corporations Act (Certificate of Amendment of Article Issued)

La Loi sur les sociétés coopératives (Certificat de modification de statut)

NOTICE IS HEREBY GIVEN that, under the *Co-operative Corporations Act*, amendment to article have been effected as follows:

AVIS EST PAR LA PRÉSENTE DONNÉ qu'en vertu de la *Loi sur les sociétés coopératives* la modification suivante a été apportée au statut de la compagnie mentionnée ci-dessous :

Date of Incorporation: Date de constitution :	Name of Co-operative: Nom de la Coopérative :	Effective Date Date d'entrée en vigueur
1997-04-25	CAYA Co-operative Ltd.	2003-5-20

JOHN M. HARPER,
Director, Compliance Branch, Licensing and
Compliance Division by delegated authority
from the Superintendent of Financial Services
Directeur, Observation des lois et des règlements
Division de la délivrance des permis et de
l'observation des lois et des règlements
en vertu des pouvoirs délégués par le
surintendant des services financiers

23/03

Credit Unions and Caisses Populaires Act, 1994 (Certificates of Amendment of Articles Issued)

Loi de 1994 sur les caisses populaires et les credit unions (Certificat de modification des statuts)

NOTICE IS HEREBY GIVEN that, under the *Credit Unions and Caisses Populaires Act, 1994* amendments to articles have been affected as follows:

AVIS EST PAR LES PRÉSENTES DONNÉ que, en vertu de la *Loi de 1994 sur les caisses populaires et les credit unions*, les modifications des statuts ont été apportées comme suit :

Date of Incorporation: Date de constitution :	Name of Corporation: Nom de la compagnie :	Effective Date Date d'entrée en vigueur
1955-08-17	Ottawa-Carleton Police Credit Union Limited Change its name to: Ottawa Police Credit Union Limited	2003-05-22

JOHN M. HARPER,
Director, Compliance Branch, Licensing and
Compliance Division by delegated authority
from the Superintendent of Financial Services
Directeur, Observation des lois et des règlements
Division de la délivrance des permis et de
l'observation des lois et des règlements
en vertu des pouvoirs délégués par le
surintendant des services financiers

23/03

Credit Unions and Caisses Populaires Act (Certificate of Amalgamation) Loi sur les caisses populaires et les credit unions (Certificat de fusion)

NOTICE IS HEREBY GIVEN that, a certificate of amalgamation under the *Credit Unions and Caisses Populaires Act*, has been endorsed: The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LES PRÉSENTES de l'inscription de certificats de fusion faite en vertu de la *Loi sur les caisses populaires et les credit unions*. La date d'entre en vigueur precede la liste de compagnies visees.

Name of Amalgamated Corporation Amalgamating Corporations Denomination sociale de la compagnie issue de fusion : Compagnies qui fusionnent	Ontario Corporation Number Numero matricule de l'Ontario
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2003-03-31

NORTHERN LIGHTS CREDIT UNION LIMITED 1416259
(Northern Lights Credit Union Limited and Great Lakes
Community Credit Union Limited)

2003-04-01

CAISSE POPULAIRE NATION INC. 1416260
(La Caisse Populaire de Casselman Limitée and La Caisse
Populaire St-Isidore Limitée)

PACE SAVINGS & CREDIT UNION LIMITED 1416261
(PACE Savings & Credit Union Limited and Greater
Toronto Area (GTA) Savings & Credit Union Limited)

2003-05-01

CAISSE POPULAIRE RIDEAU D'OTTAWA INC. 1416265
(Caisse Populaire Notre-Dame d'Ottawa Inc. and Caisse
Populaire Ste-Anne-Laurier d'Ottawa Inc.)

GRANT SWANSON,
Director/Directeur
Licensing and Compliance Division
Financial Services Commission of Ontario/
Division de la délivrance des permis
et de l'observation des lois et des règlements
Commission des services financiers de l'Ontario

23/03

**Provincial Parliament — Private Bills
Demandes au Parlement
provincial — Projets de loi d'intérêt privé**

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at <http://www.ontla.on.ca> or from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted.)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

(8699) T.F.N.

CLAUDE L. DESROSIERS,
Clerk of the Legislative Assembly.

**Applications to Provincial Parliament
Demandes au Parlement provincial**

ANDREA GENTILE/KEY AIRCRAFT SERVICES INC.

NOTICE IS HEREBY GIVEN that on behalf of ANDREA GENTILE, application will be made to the Legislative Assembly of the Province of Ontario for an Act to Revive KEY AIRCRAFT SERVICES INC.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2.

Dated at Brampton, this 31st day of May, 2003

MCCABE, FILKIN & ASSOCIATES LLP
Barristers and Solicitors
300 - 195 County Court Boulevard
Brampton, ON L6W 4P7
Attention: Robert A. Filkin
Tel. No. 905-452-7400
Fax No. 905-452-6444

(4312) 22 to 25

Solicitors for the Applicant, Andrea Gentile

**Corporation Notices
Avis relatifs aux compagnies**

FREIGHTWAY GROUP INC. #1462939

(Incorporated on February 6, 2001)

TAKE NOTICE that a special resolution requiring the Corporation to be wound up voluntarily was passed/consented to by the shareholders of the Corporation on May 8, 2003 on which date Stephen Park c/o 201 Byron Street South, Whitby, Ontario, L1N 4P7 was appointed liquidator.

DATED at Whitby this 26th day of May, 2003.

(4316) 23

STEPHEN PARK
Liquidator

Ventes de terrains par le shérif

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the Ontario Superior Court of Justice at 605 Rossland Road East, Whitby, ON dated September 27, 2002, Court File Number: 15 935/02, to me directed, against the real and personal property of 1110532 ONTARIO LIMITED carrying on business as CAIRN TECHNOLOGIES Defendant(s), at the suit of THE BANK OF NOVA SCOTIA, Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of 1110532 ONTARIO LIMITED carrying on business as CAIRN TECHNOLOGIES, Defendant(s) in and to:

West half of Lot 5, Concession 5, in the Township of Madoc, in the County of Hastings, save and except Part 1 on Plan 21R-11087 as Described in Instrument no. 520790.

Municipally known as: 40726B20 RR#1, Madoc, Ontario

All of which said right, title, interest and equity of redemption of 1110532 ONTARIO LIMITED carrying on business as CAIRN TECHNOLOGIES, Defendant(s), in the said land and tenements described above. I shall offer for sale by Public Auction subject to the conditions set out below at, 2nd Floor Lobby, 235 Pinnacle Street, Belleville, Ontario, on Monday, July 07, 2003 at 10:00 a.m.

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matters relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: Deposit 10% of bid price or \$1,000.00, whichever is greater

- Payable at time of sale by successful bidder

- To be applied to purchase price

- Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at 235 Pinnacle Street, Belleville, ON K8N 3A9

All payments in cash or by certified cheque made payable to the Minister of Finance.

Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price.

Other conditions as announced

This sale is subject to cancellation by the Sheriff without further notice up to the time of sale.

NOTE: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

Dated this 27th day of May, 2003.

(4317) 23

J. SQUIRE
Sheriff
235 Pinnacle Street, Room 203
Belleville, ON K8N 3A9

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the Federal Court (Trial Division) at Ottawa, Ontario dated March 4, 1994, Number ITA-2221-94 / 365/94, to me directed, against the real and personal property of RONALD WALTER HODSON Defendant, at the suit of HER MAJESTY THE QUEEN (*The Income Tax Act*), Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of Ronald Walter Hodson, in and to:

(Municipally known as 483 Zion Road, R.R. #3, Little Britain, ON K0M 2C0); Part of the South half of Lot 8, Concession 3, Township of Mariposa, County of Victoria, (now City of Kawartha Lakes), designated as Part 2, Plan 57R609.

All of which said right, title, interest and equity of redemption of RONALD WALTER HODSON, Defendant, in the said lands and tenements described above. I shall offer for sale by Public Auction subject to the conditions set out below at, The Courthouse, 440 Kent Street West, Lindsay, Ontario K9V 6G8, on Thursday, July 10th, 2003 at 2:00 p.m.

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matters relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: Deposit 10% of bid price or \$1,000.00, whichever is greater
 - Payable at time of sale by successful bidder
 - To be applied to purchase price
 - Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at Court Enforcement Office, 440 Kent Street West, Lindsay, Ontario K9V 6G8.

All payments in cash or by certified cheque made payable to the Minister of Finance.

Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price.

Other conditions as announced

This sale is subject to cancellation by the Sheriff without further notice up to the time of sale.

NOTE: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

Dated at Lindsay, Ontario, this 29th day of May, 2003.

G. WAYNE McNICKLE,
 (705) 324-1400 ext. 206
 Sheriff's Officer / Court
 Enforcement Officer / Sheriff
 440 Kent Street West, Lindsay,
 Ontario K9V 6G8
 (Court Enforcement Office)

(4318) 23

Sales of Lands for Tax Arrears by Public Tender Ventes de terrains par appel d'offres pour arriéré d'impôt

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE TOWN OF ST. MARYS

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on August 7th, 2003, at the Town Office.

The tenders will then be opened in public on the same day at 3:15 p.m. at the Town Office.

Description of Land: Part of Lot 19, Plan 229, Part Lot 23, Plan 229, Town of St. Marys, County of Perth, as in R215299, being the whole of PIN 53238-0167 (LT) (136 Emily Street, St. Marys).

Minimum Tender Amount: \$4,952.72
 (Set out the cancellation price
 as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus the accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

JAMES TIMLIN
 Chief Administrative Officer
 The Corporation of the Town of St. Marys
 175 Queen Street East, P.O. Box 998
 St. Marys, Ontario N4X 1B6

(4319) 23

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE NEAR NORTH DISTRICT SCHOOL BOARD

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on June 25, 2003 at the Near North District School Board, 963 Airport Road, P.O. Box 3110, North Bay, Ontario P1B 8H1.

The tenders will then be opened in public on the same day at 3:30 p.m. at the North Bay Board Office.

Description of Land: Remainder of Parcel 16,049 in the register for Nipissing, being Part of John Guppy's Location, Township of Wyse, District of Nipissing.

Minimum Tender Amount: \$3,275.46
 (Set out the cancellation price
 as of the first day of advertising)

Description of Land: Remainder of Parcel 2-1, Section 36M-265, being the North Half of Lot 2, Plan M-265, Township of Phelps, District of Nipissing.

Minimum Tender Amount: \$4,209.13
 (Set out the cancellation price
 as of the first day of advertising)

Description of Land: Parcel 23,975 in the register for Nipissing, being Part of Location JS 248, Township of Poitras, District of Nipissing, designated as Part 3, Plan 36R-3983.

Minimum Tender Amount: \$5,756.65
 (Set out the cancellation price
 as of the first day of advertising)

Description of Land: Parcel 28,006 in the register for Nipissing, being Part of the South half of Lot 15, Concession 2, Township of Phelps, District of Nipissing, designated as Part 1, Plan 36R-9069.

Minimum Tender Amount: \$3,935.51
 (Set out the cancellation price
 as of the first day of advertising)

Description of Land: Parcel 11,420 Parry Sound North Section being Part of Lot 16, Concession 12, designated as Part 21, PSR-1801. Together with a right of way over Part of Lots 16 and 17, Concession 12, designated as Part 25, PSR-1801, as set out in Instrument 80383, Township of Mills, District of Parry Sound.

Minimum Tender Amount: \$4,602.52
 (Set out the cancellation price
 as of the first day of advertising)

Section, being part of Lots 11 and 12, Concession 17, Township of Mowat, District of Parry Sound, designated as Part 1, Plan 42R-11998. Minimum Tender Amount: \$4,621.75
(Set out the cancellation price as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality or board and representing at least 20 per cent of the tender amount.

Except as follows, the municipality or board makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

The land does not include any mobile homes situate on the land.

This sale is governed by the *Municipal Act 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus the accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

PAUL MANNING
Tax Collection Supervisor
Near North District School Board
963 Airport Road, P.O. Box 3110
North Bay, Ontario P1B 8H1
1-800-278-4922

(4320) 23

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE CITY OF KINGSTON

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on June 24, 2003, at the office of the Manager of Taxation & Revenue, City of Kingston Municipal Office, 211 Counter Street, Kingston, Ontario.

The tenders will then be opened in public on the same day at 3:15 p.m. at the City of Kingston Municipal Office, 211 Counter Street, 1st Floor Boardroom, Kingston, Ontario.

Description of Land: Roll No. 10 11 030 060 01100. Part of Lot 5, Picardville, in the City of Kingston, in the County of Frontenac, designated as Part 1 on Plan 13R-10910 Municipal Address: 108 York Street, Kingston.

Minimum Tender Amount: \$20,792.94

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 040 010 19500 0000. Part of Lot 1, Plan C8, in the City of Kingston, in the County of Frontenac, more particularly described on schedule attached. As previously described in Deed No. 506470. Municipal Address: 609 Montreal Street, Kingston.

Minimum Tender Amount: \$103,210.74

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 040 020 08200 0000. Part of Lot 35, Plan D-21, City of Kingston, County of Frontenac, as described in Instrument Nos. 138222 and 152158. Municipal Address: 38 Charles Street, Kingston.

Minimum Tender Amount: \$97,786.89

(Set out the cancellation price as of the first day of advertising)

Kingston, in the County of Frontenac, and being part of Lots 12 and 20 as shown on a plan of Johnsonville on the file in the Registry Office, designated as Parts 1 & 2 on Plan 13R-9176. SUBJECT to a right-of-way over Part 1, Plan 13R-9176. Municipal Address: John Street (vacant land), Kingston.

Minimum Tender Amount: \$9,000.55

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 050 100 04400 0000. Lot 413 on the north side of Concession Street, and part of Lot 410 abutting the northerly limit of the said Lot 413, Plan 162, City of Kingston, County of Frontenac, as more particularly described on Schedule attached, being all of the PIN (P.I.N. 36068 0236(LT)). Municipal Address: 117 Concession Street, Kingston.

Minimum Tender Amount: \$17,624.02

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 050 120 12010 0000. Lot 2, Plan 392, formerly in the Township of Kingston, now in the City of Kingston, in the County of Frontenac, Province of Ontario, SAVE AND EXCEPT Instrument Numbers FR614018, FR581325, FR272105, FR252007, FR256007 and FR192401. Being all of the PIN. (P.I.N. 36069 0177(LT)). Municipal Address: Carleton Street (vacant land), Kingston.

Minimum Tender Amount: \$7,751.03

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 050 140 12426 0000. Part of Lot 16, Plan 1656, City of Kingston, County of Frontenac, being Part 1, Reference Plan 13R-4839. SUBJECT TO EASEMENTS TO The Public Utilities Commission of the City of Kingston, The Bell Telephone Company of Canada and the Corporation of the City of Kingston designated as Part 16 on Reference Plan 13R-1944 and Part 1 on Reference Plan 13R-1945, being all of the PIN (P.I.N. 36064-0139(LT)). Municipal Address: 125 Wycliffe Crescent, Kingston.

Minimum Tender Amount: \$14,749.68

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 080 020 04000 0000. Lot 5 Plan 382 Geographic Township of Kingston Now City of Kingston, County of Frontenac (No. 13) Being all of the PIN (P.I.N. 36261-0161(LT)). Municipal Address: 29 Crerar Street, Kingston.

Minimum Tender Amount: \$15,209.03

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 080 176 04900. Lot 49, Plan 1690, formerly in the Township of Kingston, now in the City of Kingston, County of Frontenac. SUBJECT to storm sewer easement on that part of said Lot 49 described as Part 49, Plan 13R-2551. Being all of the PIN (P.I.N. 36102-0085(LT)). Municipal Address: 519 Braeside Crescent, Kingston.

Minimum Tender Amount: \$19,586.94

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 080 220 06000 00000. Part of Lots 8 and 9, Concession 3, formerly in the Township of Kingston (Western Addition), now in the City of Kingston, County of Frontenac, as described in instrument No. 142661 and X-16267. SAVE AND EXCEPT Part 2 on Plan 13R-301. Municipal Address: Princess Street (vacant land), Kingston.

Minimum Tender Amount: \$8,917.44

(Set out the cancellation price as of the first day of advertising)

Description of Land: Roll No. 10 11 080 230 03900 0000. Part of Lot 1, Concession 6 Western Addition of the Geographic Township of Kingston now in the City of Kingston, County of Frontenac (No. 13) As described in Instrument No. FR362171. Property Identification Number 36134-0005(R). Municipal Address: Unity Rd-Sharpston (vacant land), Kingston.

Minimum Tender Amount: \$2,854.59

(Set out the cancellation price
as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

Where applicable, the land(s) does (do) not include the mobile homes situate on the land(s).

This sale is governed by the *Municipal Act 2001* and the Municipal Tax

Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus the accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

PAT CARROL
Manager of Taxation & Revenue
The Corporation of the City of Kingston
211 Counter Street
Kingston, ON K7L 6C7
(613) 546-4291 ext. 2468

(4321) 23

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—06—07

ONTARIO REGULATION 206/03

made under the

PLANNING ACT

Made: May 16, 2003

Filed: May 21, 2003

Amending O. Reg. 834/81

(Restricted Areas — District of Sudbury — Territorial District of Sudbury)

Note: Ontario Regulation 834/81 has previously been amended. Those amendments are listed in the Table of Regulations in the Statutes of Ontario, 1991 and in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 1 to Ontario Regulation 834/81 is amended by adding the following section:

180. (1) Despite subclause 17 (b) (ii) of the Order, one seasonal dwelling may be erected, located and used on the land described in subsection (2) if the shoreline setback is 9.7 metres from the high-water mark.

(2) Subsection (1) applies to land in the geographic Township of Curtin in the District of Sudbury, being part of Summer Resort Location W. D. 2702 and more particularly described as the remainder of Parcel 7509 Sudbury West Section.

LYNN BUCKHAM

Northeastern Regional Director

Northeastern Municipal Services Office

Ministry of Municipal Affairs and Housing

Dated on May 16, 2003.

23/03

ONTARIO REGULATION 207/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: May 14, 2003

Filed: May 21, 2003

Amending O. Reg. 663/98

(Area Descriptions)

Note: Since the end of 2002, Ontario Regulation 663/98 has been amended by Ontario Regulation 130/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 33 of Part 3 of Ontario Regulation 663/98 is revoked and the following substituted:

SCHEDULE 33

The part of Restoule Provincial Park described as follows:

That portion of the geographic Townships of Hardy and Patterson, in the Territorial District of Parry Sound, being composed of Part 1 and a portion of Part 2 on a Plan known as Restoule Provincial Park (Natural Environment Class) filed on February

14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources, and which portion of Part 2 may be more particularly described as follows:

Beginning at the northwesterly corner of Lot 13, Concession 10, in the said Township of Patterson; thence southerly along the westerly limit of said Lot 13 and along the southerly production of the said limit across the allowance for road to the water's edge along the northerly shore of Restoule Lake; thence easterly following the said water's edge and water's edge along the northerly shore of Restoule River to the intersection with the southerly production of the westerly limit of Lot 18, Concession 8; thence northerly along the said southerly production across the allowance for road and along the said westerly limit to the northwesterly corner of said Lot 18; thence northerly in a straight line across the allowance for road between concessions 8 and 9 to the southwesterly corner of Lot 18, Concession 9; thence northerly along the westerly limit of said Lot 18 and along the northerly production of the said limit across the allowance for road to the water's edge along the southwesterly shore of Stormy Lake; thence north and westerly following the said water's edge and the water's edge along the southerly shore of Restoule River to the intersection with the northerly production of the westerly limit of Lot 13, Concession 11; thence southerly along the said northerly production across the allowance for road and along the said westerly limit to the southwesterly corner of said Lot 13; thence southerly in a straight line across the allowance for road between concessions 10 and 11 to the place of beginning.

2. Schedule 47 of Part 3 of the Regulation is revoked and the following substituted:

SCHEDULE 47

Turtle River-White Otter Lake Provincial Park.

3. Part 3 of the Regulation is amended by adding the following Schedules:

SCHEDULE 92

Woman River Forest Provincial Park.

SCHEDULE 93

Wenebegon River Provincial Park.

SCHEDULE 94

Matinenda Provincial Park.

SCHEDULE 95

Alexander Lake Forest Provincial Park.

SCHEDULE 96

Amable du Fond River Provincial Park.

SCHEDULE 97

That portion of Jocko Rivers Provincial Park in the geographic Townships of Clarkson, Eddy, French, Garrow, Jocko, La Salle, Lockhart, McAuslan, Osborne and Stewart, in the Territorial District of Nipissing, containing 11,231 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 3, both inclusive, on a Plan known as P140 Jocko Rivers Provincial Park (Waterway Class) filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 98

Goulais River Provincial Park.

SCHEDULE 99

Algoma Headwaters Provincial Park.

SCHEDULE 100

Aubinadong-Nushatogaini Rivers Provincial Park.

SCHEDULE 101

East English River Provincial Park.

SCHEDULE 102

That portion of Sandbar Lake Provincial Park in unsurveyed territory, in the Territorial District of Kenora, containing 3,270 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as

Blue Lake Provincial Park (Natural Environment Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 103

That portion of Blue Lake Provincial Park in the geographic Townships of Docker and Smellie, in the Territorial District of Kenora, containing 1,954 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 16, both inclusive, (Part 6 comprising only the islands in Cobble Lake) on a plan known as Blue Lake Provincial Park (Natural Environment Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 104

West English River Provincial Park.

SCHEDULE 105

Eagle Dogtooth Provincial Park.

SCHEDULE 106

St. Raphael Provincial Park.

23/03

ONTARIO REGULATION 208/03

made under the

PUBLIC LANDS ACT

Made: May 14, 2003

Filed: May 21, 2003

Amending O. Reg. 805/94
(Conservation Reserve)

Note: Ontario Regulation 805/94 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Schedule 3 to Ontario Regulation 805/94 is revoked and the following substituted:

SCOTTY LAKE CONSERVATION RESERVE

In unsurveyed territory in the Territorial District of Kenora, Patricia Portion, containing 775 hectares, more or less, being composed of those parts of the said territory designated as Parts 1 and 2 on a plan known as Scotty Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

2. The Regulation is amended by adding the following Schedules:

SCHEDULE 162

ADAIR LAKE CONSERVATION RESERVE

In the geographic Townships of Revell and Hyndman, and in unsurveyed territory, in the Territorial District of Kenora, containing 2,800 hectares, more or less, being composed of that part of the said townships and unsurveyed territory designated as Part 1 on a plan known as C2308 Adair Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 163

AIRPORT ROAD CONSERVATION RESERVE

In the geographic Township of Zealand, in the Territorial District of Kenora, containing 66 hectares, more or less, being composed of that part of the said township designated as Part 1 on a plan known as C2321 Airport Road Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 164

AKONESI CHAIN OF LAKES COMPLEX CONSERVATION RESERVE

In the geographic Townships of Carter and Middleboro, in the Territorial District of Sudbury, containing 1,469 hectares, more or less, being composed of that part of the said townships designated as Part 1 on a plan known as C1579 Akonesi Chain of Lakes Complex Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 165

ALM LAKE FOREST CONSERVATION RESERVE

In the geographic Townships of Fitzsimmons and Hancock, in the Territorial District of Sudbury, containing 752 hectares, more or less, being composed of that part of the said townships designated as Part 1 on a plan known as C1534 Alm Lake Forest Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 166

AULNEAU INTERIOR CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 2,296 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as C2375 Aulneau Interior Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 167

BOOM CREEK CONSERVATION RESERVE

In the geographic Townships of Papineau and Cameron, in the municipal Township of Papineau-Cameron, in the Territorial District of Nipissing, containing 590 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 7 both inclusive, on a plan known as C124 Boom Creek Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 168

BOULTER-DEPOT CREEK CONSERVATION RESERVE

In the geographic and municipal Townships of Bonfield and Chisholm, and in the geographic Township of Boulter, in the Territorial District of Nipissing, containing 2,348 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 19 both inclusive, on a plan known as C150 Boulter-Depot Creek Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 169

BROWN'S INLET CONSERVATION RESERVE

In the geographic Township of Griesinger, in the Territorial District of Rainy River, containing 2,931 hectares, more or less, being composed of those parts of the said township designated as Parts 1 and 2 on a plan known as C2350 Brown's Inlet Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 170

CALLANDER BAY WETLAND CONSERVATION RESERVE

In the geographic Township of Himsworth, and part of the bed of Lake Nipissing in front of the geographic Township of Himsworth, in the municipal Township of North Himsworth, in the Territorial District of Parry Sound, and part of the bed of Lake Nipissing in front of the geographic Township of Ferris, in the City of North Bay, in the Territorial District of Nipissing, containing 319 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1, 2 and 3 on a plan known as C149 Callander Bay Wetland Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

CAMPFIRE RIVER CONSERVATION RESERVE

In the Territorial District of Kenora, Patricia Portion, containing 4,180 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as C2368 Campfire River Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 172

CAMPUS LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 19,452 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2299 Campus Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 173

DRYBERRY LAKE CONSERVATION RESERVE

In the geographic Township of Work, and unsurveyed territory, in the Territorial District of Kenora, containing 21,850 hectares, more or less, being composed of that part of the said geographic township designated as Part 1 on a plan known as C2357 Dryberry Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 174

DUBÉ CREEK ICEBERG KEEL MARKS CONSERVATION RESERVE

In the geographic Township of Irish, in the Territorial District of Cochrane, containing 1,136 hectares, more or less, being composed of that part of the said township designated as Part 1 on a plan known as C1531 Dubé Creek Iceberg Keel Marks Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 175

EAGLE LAKE ISLANDS CONSERVATION RESERVE

Islands in Eagle Lake in front of and in the geographic Townships of Langton, Temple, and Aubrey, in the municipal Township of Machin, and in the geographic Township of Mutrie, and in unsurveyed territory, in the Territorial District of Kenora, containing 3,395 hectares, more or less, being composed of those parts of the said geographic townships and unsurveyed territory designated as Parts 1 to 5 both inclusive, (Part 1 comprising only all or portions of islands in Eagle Lake) on a plan known as C2340 Eagle Lake Islands Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 176

EAGLE-SNOWSHOE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, containing 35,621 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as C2405 Eagle-Snowshoe Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 177

EAST WABIGOON RIVER CONSERVATION RESERVE

In the geographic Townships of Satterly and Melgund, in the Territorial District of Kenora, containing 1,299 hectares, more or less, being composed of that part of the said townships designated as Part 1 on a plan known as C2316 East Wabigoon River Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 178

EAST WENEBEGON FOREST CONSERVATION RESERVE

In the geographic Townships of Lynch, Bounsall and Drea, in the Territorial District of Sudbury, containing 3,053 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as C1548 East Wenebagon Forest Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 179

FARRINGTON TOWNSHIP CONSERVATION RESERVE

In the geographic Township of Farrington and in unsurveyed territory, in the Territorial District of Rainy River, containing 948 hectares, more or less, being composed of that part of the said township and unsurveyed territory designated as Part 1 on a plan known as C2329 Farrington Township Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 180

FIELD TOWNSHIP CONSERVATION RESERVE

In the geographic Townships of Field and Badgerow, in the Municipality of West Nipissing, in the Territorial District of Nipissing, containing 399 hectares, more or less, being composed of those parts of the said geographic townships designated as Part 1 on a plan known as C167 Field Township Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 181

GEARY TOWNSHIP SHORELINE BLUFF CONSERVATION RESERVE

In the geographic Township of Geary, in the Territorial District of Cochrane, containing 610 hectares, more or less, being composed of that part of the said geographic township designated as Part 1 on a plan known as C1581 Geary Township Shoreline Bluff Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 182

GOULAIS RIVER BEACH RIDGES CONSERVATION RESERVE

In the geographic Townships of Aweres, Fenwick and Pennefather, in the Territorial District of Algoma, containing 929 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1, 2 and 3 on a plan known as C291 Goulais River Beach Ridges Conservation Reserve, filed on the February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 183

GULLIVER RIVER CONSERVATION RESERVE

In the geographic Townships of Dewan, Grummett and Cathcart, and in unsurveyed territory, in the Territorial District of Kenora, containing 2,737 hectares, more or less, being composed of that part of the said geographic townships and unsurveyed territory designated as Part 1 on a plan known as C2292 Gulliver River Conservation Reserve, filed February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 184

HARTH LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, containing 3,722 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as C2305 Harth Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 185

IVANHOE RIVER CLAY PLAIN CONSERVATION RESERVE

In the geographic Township of Foleyet, in the Territorial District of Sudbury, containing 7,071 hectares, more or less, being composed of that part of the said township designated as Part 1 on a plan known as C1558 Ivanhoe River Clay Plain Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 186

KAPESAKOSI LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 175 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2346 Kapesakosi Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

LA VERENDRYE/OGIDAKI CONSERVATION RESERVE

In the geographic Townships of Dablon, Lunkie, LaVerendrye and Hynes, in the Territorial District of Algoma, containing 1,039 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as C248 La Verendrye/Ogidaki Conservation Reserve, filed on the February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 188

LAC DES MILLE LACS CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 2,538 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2279 Lac Des Mille Lacs Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 189

LAC SEUL ISLANDS CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, and in the Territorial District of Kenora, and in unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, and in the Territorial District of Kenora, in the Municipal Township of Ear Falls, containing 14,723 hectares, more or less, being composed of those parts of the unsurveyed territory designated as Parts 1 to 5 both inclusive, (Part 1 comprising only the islands and parts of peninsulas in Lac Seul) on a plan known as C2317 Lac Seul Islands Conservation Reserve, filed on March 19, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 190

LAWRENCE LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 1,409 hectares, more or less, being composed of those parts of the said unsurveyed territory designated as Parts 1 to 40, both inclusive, on a plan known as C2409 Lawrence Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 191

MANITOU CONSERVATION RESERVE

In unsurveyed territory, in the Territorial Districts of Kenora and Rainy River, containing 7,203 hectares, more or less, being composed of those parts of the said unsurveyed territories designated as Parts 1 to 449, both inclusive, on a plan known as C2331 Manitou Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 192

MELGUND LAKE CONSERVATION RESERVE

In the geographic Township of Avery and in unsurveyed territory, in the Territorial District of Kenora, containing 1,094 hectares, more or less, being composed of those parts of the said township and unsurveyed territory designated as Parts 1, 2 and 3 (Part 2 comprising only all of the islands in Melgund Lake), on a plan known as C2311 Melgund Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 193

MUSK LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 4,854 hectares, more or less, being composed of those parts of the said territory designated as Parts 1 and 2 on a plan known as C2382 Musk Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 194

NORTH THORNBEN LAKE MORaine CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 454 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C1510 North Thornben Lake Moraine

Conservation Reserve, filed on March 31, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 195

OCTOPUS CREEK CONSERVATION RESERVE

In the unsurveyed territory north of Redditt Township, in the Territorial District of Kenora, containing 608 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as C2373 Octopus Creek Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 196

PYATT LAKE CONSERVATION RESERVE

In the geographic Townships of Revell and Hyndman, in the Territorial District of Kenora, containing 405 hectares, more or less, being composed of those parts of the said townships designated as Part 1 on a plan known as C2307 Pyatt Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 197

RAINMAKER LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 70 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2341 Rainmaker Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 198

SCENIC LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, containing 1,890 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2365 Scenic Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 199

SIDE LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 92 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2312 Side Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 200

SIFTON TOWNSHIP CONSERVATION RESERVE

In the geographic Townships of Dewart and Sifton, in the Territorial District of Rainy River, containing 706 hectares, more or less, being composed of that part of the said townships designated as Part 1 on a plan known as C2372 Sifton Township Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 201

SLIM JIM LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 6,460 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C1507 Slim Jim Lake Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 202

SOLITARY LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, containing 257 hectares, more or less, being composed of those parts of the said territory designated as Parts 1 to 4, both inclusive, on a plan known as C2362 Solitary Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

STE. THERESE GROUND MORAINÉ CONSERVATION RESERVE

In the geographic Townships of Casgrain And Hanlan, in the Territorial District of Cochrane, containing 150 hectares, more or less, being composed of that part of the said townships designated as Part 1 on a plan known as C1538 Ste. Therese Ground Moraine Conservation Reserve, filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 204

STORMY LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, containing 412 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2313 Stormy Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 205

TREWARTHA CREEK CONSERVATION RESERVE

In the geographic Townships of Pyramid, Trewartha and Meinzingen, and in unsurveyed territory, in the Territorial District of Thunder Bay, containing 9,736 hectares, more or less, being composed of that part of the said geographic townships and unsurveyed territory designated as Part 1 on a plan known as C2285 Trewartha Creek Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 206

TROUT LAKE CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, containing 60,186 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 (Part 1 being comprised of islands and the bed of the lake) on a plan known as C2334 Trout Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 207

TWILIGHT LAKE CONSERVATION RESERVE

In unsurveyed territory in the Territorial District of Kenora, containing 396 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as C2430 Twilight Lake Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 208

UPPER ENGLISH RIVER CONSERVATION RESERVE

In unsurveyed territory, in the Territorial Districts of Kenora and Thunder Bay, containing 12,295 hectares, more or less, being composed of those parts of the said unsurveyed territories designated as Parts 1 to 5, both inclusive, on a plan known as C2327 Upper English River Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 209

WEST WABIGOON RIVER CONSERVATION RESERVE

In the geographic Township of Colenso, in the Territorial District of Kenora, containing 714 hectares, more or less, being composed of that part of the said township designated as Part 1 on a plan known as C2338 West Wabigoon River Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 210

WHITEMUD CONSERVATION RESERVE

In unsurveyed territory, in the Territorial District of Kenora, Patricia Portion, containing 18,485 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as C2310 Whitemud Conservation Reserve, filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

ONTARIO REGULATION 209/03

made under the

EDUCATION ACT

Made: May 20, 2003
Approved: May 20, 2003
Filed: May 21, 2003

Amending Reg. 298 of R.R.O. 1990
(Operation of Schools — General)

Note: Regulation 298 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 20 of Regulation 298 of the Revised Regulations of Ontario, 1990 is amended by striking out “and” at the end of clause (g) and by adding the following clauses:

- (i) ensure that report cards are fully and properly completed and processed in accordance with the guides known in English as Guide to the Provincial Report Card, Grades 1-8 and Guide to the Provincial Report Card, Grades 9-12, and in French as Guide d'utilisation du bulletin scolaire de l'Ontario de la 1^{re} à la 8^e année and Guide du bulletin scolaire de l'Ontario de la 9^e à la 12^e année, as the case may be, both available electronically through a link in the document known in English as Ontario School Record (OSR) Guideline, 2000 and in French as Dossier scolaire de l'Ontario: Guide, 2000, online at www.edu.gov.on.ca/eng/document/curricul/osr/osr.html or www.edu.gov.on.ca/fre/document/curricul/osr/osrf.html;
- (j) co-operate and assist in the administration of tests under the *Education Quality and Accountability Office Act, 1996*;
- (k) participate in regular meetings with pupils' parents or guardians;
- (l) perform duties as assigned by the principal in relation to co-operative placements of pupils; and
- (m) perform duties normally associated with the graduation of pupils.

ELIZABETH WITMER
Minister of Education

Dated on May 20, 2003.

RÈGLEMENT DE L'ONTARIO 209/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 20 mai 2003
approuvé le 20 mai 2003
déposé le 21 mai 2003

modifiant le Règl. 298 des R.R.O. de 1990
(Fonctionnement des écoles — Dispositions générales)

Remarque : Le Règlement 298 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. L'article 20 du Règlement 298 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction des alinéas suivants :

- i) il veille à ce que les bulletins scolaires soient remplis et traités en bonne et due forme conformément aux guides appelés en français *Guide d'utilisation du bulletin scolaire de l'Ontario de la 1^{re} à la 8^e année* et *Guide du bulletin scolaire de l'Ontario de la 9^e à la 12^e année* et en anglais *Guide to the Provincial Report Card, Grades 1-8* et *Guide to the Provincial Report Card, Grades 9-12*, selon le cas, que l'on peut consulter électroniquement au moyen d'un lien inséré dans le document appelé en français *Dossier scolaire de l'Ontario : Guide, 2000* et en anglais *Ontario School*

eng/document/curricul/osr/osr.html;

- j) il prête son concours et son aide pour faire passer les tests prévus par la *Loi de 1996 sur l'Office de la qualité et de la responsabilité en éducation*;
- k) il participe aux réunions qui ont lieu régulièrement avec les parents ou les tuteurs des élèves;
- l) il exerce les fonctions que lui attribue le directeur d'école relativement aux placements coopératifs des élèves;
- m) il exerce les fonctions qui sont normalement associées à la remise des diplômes.

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 20 mai 2003.

23/03

ONTARIO REGULATION 210/03

made under the

PROVINCIAL PARKS ACT

Made: May 14, 2003
Filed: May 22, 2003

Amending Reg. 951 of R.R.O. 1990
(Designation of Parks)

Note: Regulation 951 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Section 2 of Regulation 951 of the Revised Regulations of Ontario, 1990 is amended by adding the following descriptions:

AGASSIZ PEATLANDS PROVINCIAL PARK (NATURE RESERVE CLASS)

In the geographic Townships of Pratt and Spohn, and in the geographic Township of Blue, now in the municipal Township of Dawson, in the Territorial District of Rainy River, containing 5,415 hectares, more or less, being composed of those parts of the said geographic Townships designated as Parts 1 to 3, both inclusive, on a plan known as Agassiz Peatlands Provincial Park (Nature Reserve Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

ALEXANDER LAKE FOREST PROVINCIAL PARK (NATURAL ENVIRONMENT CLASS)

In the geographic Township of Antoine, in the Territorial District of Nipissing, containing 1,934 hectares, more or less, being composed of that part of the said geographic township designated as Part 1 on a plan known as P123 Alexander Lake Forest Provincial Park (Natural Environment Class), filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

ALGOMA HEADWATERS PROVINCIAL PARK (NATURAL ENVIRONMENT CLASS)

In the geographic Townships of Gapp, Gaudry, Hoffman, Handleman, Way-White, Wlasy, Bracci, Ewen, Ferrier and Butcher, in the Territorial District of Algoma, and in the geographic Townships of Schembri, Sherratt, Carton, Carruthers, Neill, Patenaude and Beckett, in the Territorial District of Sudbury, containing 42,736 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 7, both inclusive, on a plan known as P273 Algoma Headwaters Provincial Park (Natural Environment Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

AMABLE DU FOND RIVER PROVINCIAL PARK
(WATERWAY CLASS)

In the geographic Township of Calvin, in the municipal Township of Calvin, and in the geographic Townships of Boulter and Lauder, in the Territorial District of Nipissing, containing 731 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 13, both inclusive, on a plan known as P128 Amable Du Fond River Provincial Park (Waterway Class), filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

AUBINADONG-NUSHATOGAINI RIVERS PROVINCIAL PARK
(WATERWAY CLASS)

In the geographic Townships of Ewen, Ferrier, Havrot, Handleman, McIlveen and Reilly, in the Territorial District of Algoma, containing 4,928 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as P277 Aubinadong-Nushatogaini Rivers Provincial Park (Waterway Class), filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

BLUE LAKE PROVINCIAL PARK
(NATURAL ENVIRONMENT CLASS)

In the geographic Townships of Docker, Smellie and Wabigoon, in the Territorial District of Kenora, containing 2,314 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 19, both inclusive, (Part 6 comprising only the islands in Cobble Lake) on a plan known as Blue Lake Provincial Park (Natural Environment Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

CHAPLEAU-NEMEGOSENDA RIVER PROVINCIAL PARK
(WATERWAY CLASS)

In the geographic Townships of Alcorn, Bonar, Collins, Copperfield, Lincoln, Pattinson, Paul, Racine and Sadler, in the Territorial District of Sudbury, and in the geographic Townships of Kapuskasing and Loughheed, in the Territorial District of Algoma, containing 12,805 hectares, more or less, being composed of those parts of the said townships designated as Parts 1 to 8, both inclusive, on a plan known as Chapleau-Nemegosenda River Provincial Park (Waterway Class), filed on March 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

EAGLE-DOGTTOOTH PROVINCIAL PARK
(WATERWAY CLASS)

In the geographic Township of Langton, in the municipal Township of Machin, and in the geographic Townships of Bridges, Coyle, Desmond, Docker, Haycock, Kirkup, Lemay, McMeekin and Work, and unsurveyed territory in the Territorial District of Kenora, containing 41,128 hectares, more or less, being composed of those parts of the said geographic townships and unsurveyed territory designated as Parts 1 to 5, both inclusive, on a plan known as P2363 Eagle-Dogtooth Provincial Park (Waterway Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

EAST ENGLISH RIVER PROVINCIAL PARK
(WATERWAY CLASS)

In the geographic Townships of Slaght, Grand Trunk Pacific Block 9 and in unsurveyed territory, in the Territorial District of Kenora, containing 17,513 hectares, more or less, being composed of that part of the said geographic township and block and unsurveyed territory designated as Part 1 on a plan known as P2294 East English River Provincial Park (Waterway Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

GOULAIS RIVER PROVINCIAL PARK
(WATERWAY CLASS)

In the geographic Townships of Hoffman, Gaudry, Gapp, Lunkie, Hynes, LaVerendrye, Gaudette, Daumont and Hodgins, in the Territorial District of Algoma, containing 5,086 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 and 2 on a plan known as P253 Goulais River Provincial Park (Waterway Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

JOCKO RIVERS PROVINCIAL PARK
(WATERWAY CLASS)

In the geographic Townships of Clarkson, Eddy, French, Garrow, Jocko, La Salle, Lockhart, McAuslan, Osborne and Stewart, in the Territorial District of Nipissing, containing 11,299 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 4, both inclusive, on a plan known as P140 Jocko Rivers Provincial

Plan (Planning Study), filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**MATINENDA PROVINCIAL PARK
(NATURAL ENVIRONMENT CLASS)**

In the geographic Townships of Kamichisitit, Jogues, Juliette, Timmermans, Scarfe and Mack, now in the Town of Blind River, and in the geographic Townships of McGiverin, Esten and Bolger, now in the City of Elliot Lake, and in the geographic Townships of Long and Spragge, now in the municipal Township of The North Shore, in the Territorial District of Algoma, containing 28,758 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as P221 Matinenda Provincial Park (Natural Environment Class) filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**MATTAGAMI RIVER BEACH AND AEOLIAN DEPOSIT PROVINCIAL PARK
(NATURE RESERVE CLASS)**

In the geographic Townships of Kipling and Harmon, in the Territorial District of Cochrane containing 164 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as P1568 Mattagami River Beach And Aeolian Deposit Provincial Park (Nature Reserve Class), filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

(2) Section 2 of the Regulation is amended by striking out the descriptions of "Missinaibi Provincial Park" and "Mississagi River Provincial Park" and substituting the following:

**MISSINAIBI PROVINCIAL PARK
(WATERWAY CLASS)**

In the geographic Townships of Eilber and Devitt, in the municipal Township of Mattice-Val Côté, and in the geographic Townships of Canfield, Sutcliffe, Gardiner, Mulholland, McCuaig, Gentles, Lambert, Mahoney, Habel, Hambly, Amery, Garden, McBrien, Burstall, McLeister, Scovil, Goldwin, Sankey, Staunton, Magladery, Orkney, Rykert and unsurveyed territory, in the Territorial District of Cochrane, and in the geographic Townships of Abbott, Cromlech, Byng, Ericson, Puskuta, Champlain, Hayward, Coderre, Conking, Lerwick, Kildare and Abigo, in the Territorial District of Algoma, and in the geographic Townships of Calais, Barclay, Baltic, Leeson, Admiral, Missinaibi, Brackin, Clifton, Abbey, Lang, Chaplin and Addison, in the Territorial District of Sudbury containing 89,600 hectares, more or less, being composed of those parts of the said townships designated as Parts 1 to 9, both inclusive, on a plan known as Missinaibi Provincial Park (Waterway Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**MISSISSAGI RIVER PROVINCIAL PARK
(WATERWAY CLASS)**

In the geographic Townships of Assad, Assef, Casson, Dagle, Fabbro, Fontaine, Foucault, Guindon, Houghton, Jackson, Landriault, Laughren, Lefebvre, McKeough, Meen, Monestime, Morningstar, Otter, Parrott, Rollins, Root, Royal, Ruston, Scrivener, Shulman, Sturgeon, Timbrell, Villeneuve, Wardle, Winkler, Wiseman, Worton, Yaremko in the Territorial District of Algoma, and in the geographic Townships of Abney, Carew, Comox, Cortez, Earl, Elizabeth, Ethel, Fulton, Gladwin, Hall, Hollinger, Hubbard, Iris, Ivy, Jasper, Joffre, Kelso, Lillie, Margaret, McPhail, Specht in the Territorial District of Sudbury containing 91,247 hectares, more or less, being composed of those parts of the said geographic townships, designated as Parts 1 to 23, both inclusive, on a Plan known as Mississagi River Provincial Park (Waterway Class) filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

(3) Section 2 of the Regulation is amended by adding the following descriptions:

**PICHOGEN RIVER MIXED FOREST PROVINCIAL PARK
(NATURE RESERVE CLASS)**

In the geographic Townships of Walls, Hawkins and Marjorie, in the Territorial District of Algoma, containing 3,043 hectares, more or less, being composed of that part of the said townships designated as Part 1, on a plan known as P1530 Pichogen River Mixed Forest Provincial Park (Nature Reserve Class), filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**RESTOULE PROVINCIAL PARK
(NATURAL ENVIRONMENT CLASS)**

In the geographic Townships of Hardy and Patterson, in the Territorial District of Parry Sound, containing 2,619 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 and 2 on a plan known as Restoule Provincial Park (Natural Environment Class) filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

(4) Section 2 of the Regulation is amended by striking out the description of “Sable Islands Provincial Nature Reserve” and substituting the following:

**SABLE ISLANDS PROVINCIAL PARK
(NATURE RESERVE CLASS)**

In the geographic Township of Spohn, and in the geographic Township of Spohn now in the Municipal Township of Dawson, and the Sable Islands in Lake of the Woods in front of the said township, in the Territorial District of Rainy River, containing 2,641 hectares, more or less, being composed of those parts of the said geographic township and islands designated as Parts 1 to 11, both inclusive, on a plan known as Sable Islands Provincial Park (Nature Reserve Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

(5) Section 2 of the Regulation is amended by adding the following descriptions:

**SANDBAR LAKE PROVINCIAL PARK
(NATURAL ENVIRONMENT CLASS)**

In the geographic Townships of Gour and Skey, and in the geographic Township of Ignace, in the municipal Township of Ignace, and in unsurveyed territory, in the Territorial District of Kenora, containing 8,053 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 4, both inclusive, on a plan known as Sandbar Lake Provincial Park (Natural Environment Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**SPRUCE ISLANDS PROVINCIAL PARK
(NATURE RESERVE CLASS)**

In the geographic Township of Nelles, in the Territorial District of Rainy River, containing 1,480 hectares, more or less, being composed of those parts of the said geographic Township, designated as Parts 1 and 2 on a plan known as Spruce Islands Provincial Park (Nature Reserve Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**ST. RAPHAEL PROVINCIAL PARK
(WATERWAY CLASS)**

In unsurveyed territory, in the Territorial Districts of Kenora and Thunder Bay, containing 90,521 hectares, more or less, being composed of that part of the said territory designated as Part 1 on a plan known as P2287 St. Raphael Provincial Park (Waterway Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**TURTLE RIVER-WHITE OTTER LAKE PROVINCIAL PARK
(WATERWAY CLASS)**

In unsurveyed territory, in the Territorial Districts of Kenora and Rainy River, containing 49,294 hectares, more or less, being composed of those parts of the said unsurveyed territories designated as Parts 1 to 16, both inclusive, on a plan known as Turtle River-White Otter Lake Provincial Park (Waterway Class), filed on April 11, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**WAKAMI LAKE PROVINCIAL PARK ADDITION
(NATURE RESERVE CLASS)**

In the geographic Townships of Wakami, Symington, and Bullbrook, in the Territorial District of Sudbury, containing 3,509 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as Wakami Lake Provincial Park, filed on March 26, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**WENEBEGON RIVER PROVINCIAL PARK
(WATERWAY CLASS)**

In the geographic Townships of Delaney, Dupuis, Nimitz, Reaney, Strom, Langlois, Lynch, Birch, Bounsall, Deans and Drea, in the Territorial District of Sudbury, and in the geographic Townships of Gilbertson, Lane, Laughren and Martel, in the Territorial District of Algoma, containing 16,383 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 4, both inclusive, on a plan known as P274 Wenebagon River Provincial Park (Waterway Class), filed on February 14, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**WEST ENGLISH RIVER PROVINCIAL PARK
(WATERWAY CLASS)**

In unsurveyed territory, in the Territorial Districts of Kenora, and Kenora, Patricia Portion, containing 22,924 hectares, more or less, being composed of that part of the said territories designated as Part 1 on a plan known as P2345 West English River Provincial Park (Waterway Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

**WOMAN RIVER FOREST PROVINCIAL PARK
(NATURAL ENVIRONMENT CLASS)**

In the geographic Townships of Shipley, Singapore and Symington, in the Territorial District of Sudbury, containing 6,305 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as P1551 Woman River Forest Provincial Park (Natural Environment Class), filed on February 24, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

2. (1) The Table to the Regulation is amended by striking out,

Agassiz Peatlands Provincial Nature Reserve	Schedule 167, Appendix B
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and substituting the following:

Agassiz Peatlands Provincial Park	Section 2
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(2) The Table to the Regulation is amended by striking out "Schedule 34, Appendix B" in Column 2 opposite "Blue Lake Provincial Park" in Column 1 and substituting "Section 2".

(3) The Table to the Regulation is amended by striking out "Schedule 105, Appendix B" in Column 2 opposite "Chapleau-Nemegosenda River Provincial Park" in Column 1 and substituting "Section 2".

(4) The Table to the Regulation is amended by striking out "Schedule 50, Appendix B" in Column 2 opposite "Restoule Provincial Park" in Column 1 and substituting "Section 2".

(5) The Table to the Regulation is amended by striking out "Schedule 85, Appendix B" in Column 2 opposite "Sandbar Lake Provincial Park" in Column 1 and substituting "Section 2".

(6) The Table to the Regulation is amended by striking out "Schedule 162, Appendix B" in Column 2 opposite "Spruce Islands Provincial Nature Reserve" in Column 1 and substituting "Section 2".

(7) The Table to the Regulation is amended by striking out,

Turtle River Provincial Park	Schedule 231, Appendix B
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and substituting the following:

Turtle River-White Otter Lake Provincial Park	Section 2
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23/03

ONTARIO REGULATION 211/03

made under the

LEGAL AID SERVICES ACT, 1998

Made: May 21, 2003
Filed: May 22, 2003

Amending O. Reg. 107/99
(General)

Note: Since the end of 2002, Ontario Regulation 107/99 has been amended by Ontario Regulation 113/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Part V of the Table to Schedule 1 to Ontario Regulation 107/99 is amended,

(a) by striking out "Young Offenders" in item 16 and substituting "Youth Justice";

(b) by striking out "*Young Offenders Act (Canada)*" in item 16.2 and substituting "*Youth Criminal Justice Act (Canada)*".

2. Note E to Schedule 4 to the Regulation is amended by striking out "young offenders court" in clause (a) and substituting "youth justice court".

RÈGLEMENT DE L'ONTARIO 211/03

pris en application de la

LOI DE 1998 SUR LES SERVICES D'AIDE JURIDIQUE

pris le 21 mai 2003
déposé le 22 mai 2003

modifiant le Règl. de l'Ont. 107/99
(Dispositions générales)

Remarque : Depuis la fin de 2002, le Règlement de l'Ontario 107/99 a été modifié par le Règlement de l'Ontario 113/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la Gazette de l'Ontario du 18 janvier 2003.

1. La partie V du tableau de l'annexe 1 du Règlement de l'Ontario 107/99 est modifiée :

- a) par substitution de «Justice pour les adolescents» à «Jeunes contrevenants» au numéro 16;
- b) par substitution de «*Loi sur le système de justice pénale pour les adolescents (Canada)*» à «*Loi sur les jeunes contrevenants (Canada)*» au numéro 16.2.

2. La remarque E de l'annexe 4 du Règlement est modifiée par substitution de «tribunal pour adolescents» à «tribunal pour jeunes contrevenants» à l'alinéa a).

23/03

ONTARIO REGULATION 212/03

made under the

PARENTAL RESPONSIBILITY ACT, 2000

Made: May 21, 2003
Filed: May 22, 2003

GENERAL

Forms

1. The following forms provided by the Attorney General are prescribed:

- 1. "Form 1: Request for a Copy of a *Youth Criminal Justice Act (Canada)* Sentence Order", dated April 9, 2003, for the purpose of clause 11 (a) of the Act, to be used for requests under paragraph 119 (1) (r) of the *Youth Criminal Justice Act (Canada)*.
- 2. "Form 2: Notice About Evidence Obtained under the *Youth Criminal Justice Act (Canada)*", dated April 9, 2003, for the purpose of subsection 3 (4) of the Act.

Revocation

2. Ontario Regulation 402/00 is revoked.

RÈGLEMENT DE L'ONTARIO 402/00
pris en application de la
LOI DE 2000 SUR LA RESPONSABILITÉ PARENTALE

pris le 21 mai 2003
déposé le 22 mai 2003

DISPOSITIONS GÉNÉRALES

Formules

1. Sont prescrites les formules suivantes fournies par le procureur général :
 1. «Formule 1 : Demande en vue d'obtenir une copie d'une ordonnance portant décision rendue en vertu de la Loi sur le système de justice pénale pour les adolescents (Canada)», datée du 9 avril 2003, pour l'application de l'alinéa 11 a) de la Loi, devant être utilisée pour présenter des demandes en vertu de l'alinéa 119 (1) r) de la Loi sur le système de justice pénale pour les adolescents (Canada).
 2. «Formule 2 : Avis sur les éléments de preuve obtenus en vertu de la Loi sur le système de justice pénale pour les adolescents (Canada)», datée du 9 avril 2003, pour l'application du paragraphe 3 (4) de la Loi.

Abrogation

2. Le Règlement de l'Ontario 402/00 est abrogé.

23/03

ONTARIO REGULATION 213/03

made under the

HIGHWAY TRAFFIC ACT

Made: May 21, 2003
Filed: May 22, 2003

Amending Reg. 596 of R.R.O. 1990
(General)

Note: Regulation 596 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Regulation 596 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

1. (1) In this section and in sections 2, 3 and 4,

“beam” means the light projected from a pair of lighted headlamps.

- (2) In this section and in sections 2, 3, 4 and 4.1,

“headlamp” means one of the lamps on the front of a motor vehicle required by subsection 62 (1) of the Act.

2. The Regulation is amended by adding the following section:

4.1 (1) A headlamp that emits a white light only may be coated or covered with a coloured material if the headlamp,

- (a) is a halogen sealed beam lamp,

- (i) that complies with,

- (A) the U.S. Federal Motor Vehicle Safety Standards 49CFR571.108, as it reads on the day this section comes into force, including being marked by the manufacturer with the manufacturer's name or trademark and the DOT symbol, or

- (B) clause 108.1 (a) (iii) of the Motor Vehicle Safety Regulations SOR/78-257 made under the *Motor Vehicle Safety Act* (Canada), as it reads on the day this section comes into force, including being marked by the

manufacturer with the manufacturer's name or trademark, the ECE symbol (a circle surrounding the letter E) and a designation commencing with the letter H, and

(ii) that was manufactured with a coating or covering of coloured material; or

(b) contains one or more replaceable halogen bulbs,

(i) that comply with,

(A) the U.S. Federal Motor Vehicle Safety Standards 49CFR571.108, as it reads on the day this section comes into force, including being marked by the manufacturer with the manufacturer's name or trademark, the DOT symbol and the bulb type, or

(B) clauses 108.1 (a) (i) and (ii) of the Motor Vehicle Safety Regulations SOR/78-257 made under the *Motor Vehicle Safety Act* (Canada), as it reads on the day this section comes into force, including being marked by the manufacturer with the manufacturer's name or trademark, the ECE symbol (a circle surrounding the letter E) and a designation commencing with the letter H, and

(ii) that were manufactured with a coating or covering of coloured material.

(2) Sub-subclauses (1) (a) (i) (B) and (1) (b) (i) (B) apply with necessary modifications to a replacement halogen sealed beam lamp or a replacement halogen bulb as if it were a halogen sealed beam lamp or a halogen bulb connected to a headlamp assembly by the manufacturer of the motor vehicle.

(3) Subsection (1) does not apply if the halogen sealed beam lamp or replaceable halogen bulb,

(a) is connected to a headlamp assembly or installed on a motor vehicle for which it is not designed;

(b) is coated or covered with a coloured material after its manufacture; or

(c) is altered after its manufacture, other than as described in clause (b).

3. This Regulation comes into force on the day subsection 19 (3) of Schedule P to the *Government Efficiency Act, 2002* is proclaimed in force.

23/03

ONTARIO REGULATION 214/03

made under the

HIGHWAY TRAFFIC ACT

Made: May 21, 2003

Filed: May 22, 2003

Amending Reg. 611 of R.R.O. 1990
(Safety Inspections)

Note: Regulation 611 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Clause 6 (1) (h) of Schedule 1 to Regulation 611 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(h) no headlamp shall be coated or covered with a coloured material except as permitted by section 4.1 of Regulation 596 of the Revised Regulations of Ontario, 1990;

2. Clause 6 (1) (g) of Schedule 6 to the Regulation is revoked and the following substituted:

(g) no headlamp shall be coated or covered with a coloured material except as permitted by section 4.1 of Regulation 596 of the Revised Regulations of Ontario, 1990;

3. This Regulation comes into force on the day subsection 19 (1) of Schedule P to the *Government Efficiency Act, 2002* is proclaimed in force.

23/03

made under the
HEALTH INSURANCE ACT

Made: May 21, 2003
Filed: May 23, 2003

DISCLOSURE OF PERSONAL INFORMATION TO PUBLIC GUARDIAN AND TRUSTEE

Disclosure to Public Guardian

1. The Minister or the General Manager shall disclose to the Public Guardian and Trustee the personal information referred to in subsection 10.3 (6) of the *Public Guardian and Trustee Act* if,

- (a) the Public Guardian and Trustee has made a request under clause 10.3 (1) (a) of that Act; and
- (b) the Minister or the General Manager, as the case may be, is satisfied that the information is necessary for a purpose mentioned in subsection 10.3 (1) of that Act.

23/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—06—14

ONTARIO REGULATION 216/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: May 21, 2003

Filed: May 26, 2003

Amending O. Reg. 670/98

(Open Seasons — Wildlife)

Note: Since the end of 2002, Ontario Regulation 670/98 has been amended by Ontario Regulations 127/03 and 129/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Item 10 of Table 5 of Ontario Regulation 670/98 is revoked and the following substituted:

ITEM	COLUMN 1 Area (Nos. refer to WMUs unless otherwise stated)	COLUMN 2 Open Season — Residents	COLUMN 3 Open Season — Non-Residents	COLUMN 4 Class of Firearm
10.	46, 48, 49, 50, 53A, 57, 58, 59	From October 15 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the third Monday in November to November 30, in any year.	From October 15 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the third Monday in November to November 30, in any year.	1

(2) Item 12 of Table 5 of the Regulation is revoked and the following substituted:

ITEM	COLUMN 1 Area (Nos. refer to WMUs unless otherwise stated)	COLUMN 2 Open Season — Residents	COLUMN 3 Open Season — Non-Residents	COLUMN 4 Class of Firearm
12.	54, excluding those parts of WMU 54 which lie within the boundaries of Algonquin Provincial Park, 56	From October 1 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the third Monday in November to November 30, in any year.	From October 1 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the third Monday in November to November 30, in any year.	1

JERRY J. OUELLETTE
Minister of Natural Resources

Dated on May 21, 2003.

24/03

ONTARIO REGULATION 217/03

made under the

INCOME TAX ACT

Made: May 22, 2003

Filed: May 26, 2003

Amending O. Reg. 498/01

(Equity in Education Tax Credit)

Note: Ontario Regulation 498/01 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 4 (1) of Ontario Regulation 498/01 is amended by adding the following paragraph:

- 5.1 The school consults the public register of the Ontario College of Teachers before September 1 each year and reviews any information recorded in the register that relates to the school's teachers and prospective teachers.

(2) Subparagraph 6 iv of subsection 4 (1) of the Regulation is revoked and the following substituted:

- iv. A description of the methods used by the school to measure the progress of its pupils in reading, writing and mathematics, including details about how and when the school assesses pupils' progress in those subjects, details about the standard tests, if any, used by the school to assess pupils' progress in those subjects, and details about how and when the school reports pupils' progress in those subjects to their parents or legal guardians.

(3) Paragraph 6 of subsection 4 (1) of the Regulation is amended by adding the following subparagraphs:

- vi.1 A summary of the information obtained by the school about its teachers and prospective teachers from the public register of the Ontario College of Teachers, including details about the status of the Certificate of Qualification of those teachers and prospective teachers who are registered with the College.
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- xi. A statement indicating that parents and legal guardians can obtain information about their rights as consumers from the Ministry of Consumer and Business Services, and indicating the Ministry web site and telephone number at which such information can be obtained.

JANET ECKER
Minister of Finance

Dated on May 22, 2003.

24/03

ONTARIO REGULATION 218/03

made under the

NURSING HOMES ACT

Made: May 28, 2003

Filed: May 29, 2003

Amending Reg. 832 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 832 has been amended by Ontario Regulations 21/03 and 61/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraph 2 of subsection 116 (3) of Regulation 832 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after September 1, 2002 but before July 1, 2003, \$939.74.
- ii. In the case of an application for a reduction made on or after July 1, 2003, \$963.16.

(2) Paragraph 2 of subsection 116 (4) of the Regulation is revoked and the following substituted:

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after September 1, 2002 but before July 1, 2003, \$30.90.
- ii. In the case of an application for a reduction made on or after July 1, 2003, \$31.67.

2. Paragraph 1 of subsection 116.1 (1) of the Regulation is revoked and the following substituted:

- 1. A long-stay resident for whom the maximum monthly amount is determined to be \$963.16 under section 116.

3. (1) Item 10 of Table 3 of the Regulation is amended by adding "to and including June 30, 2003" after "September 1, 2002" in Column 1.

(2) Table 3 of the Regulation is amended by adding the following item:

11.	From and including July 1, 2003	31.67	1,480.99	48.69	1,724.32	56.69	2,028.49	66.69
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4. This Regulation comes into force on July 1, 2003.

24/03

ONTARIO REGULATION 219/03

made under the

CHARITABLE INSTITUTIONS ACT

Made: May 28, 2003

Filed: May 29, 2003

Amending Reg. 69 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 69 has been amended by Ontario Regulation 63/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraph 2 of subsection 43 (3) of Regulation 69 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after September 1, 2002 but before July 1, 2003, \$939.74.
- ii. In the case of an application for a reduction made on or after July 1, 2003, \$963.16.

(2) Paragraph 2 of subsection 43 (4) of the Regulation is revoked and the following substituted:

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after September 1, 2002 but before July 1, 2003, \$30.90.
- ii. In the case of an application for a reduction made on or after July 1, 2003, \$31.67.

2. Paragraph 1 of subsection 43.1 (1) of the Regulation is revoked and the following substituted:

- 1. A long-stay resident for whom the maximum monthly amount is determined to be \$963.16 under section 43.

3. (1) Item 10 of Table 4 of the Regulation is amended by adding "to and including June 30, 2003" after "September 1, 2002" in Column 1.

(2) Table 4 of the Regulation is amended by adding the following item:

11.	From and including July 1, 2003	31.67	1,480.99	48.69	1724.32	56.69	2,028.49	66.69
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4. This Regulation comes into force on July 1, 2003.

24/03

ONTARIO REGULATION 220/03

made under the

HOMES FOR THE AGED AND REST HOMES ACT

Made: May 28, 2003
Filed: May 29, 2003

Amending Reg. 637 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 637 has been amended by Ontario Regulations 60/03 and 197/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraph 2 of subsection 39.3 (3) of Regulation 637 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after September 1, 2002 but before July 1, 2003, \$939.74.
- ii. In the case of an application for a reduction made on or after July 1, 2003, \$963.16.

(2) Paragraph 2 of subsection 39.3 (4) of the Regulation is revoked and the following substituted:

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after September 1, 2002 but before July 1, 2003, \$30.90.
- ii. In the case of an application for a reduction made on or after July 1, 2003, \$31.67.

2. Paragraph 1 of subsection 39.3.1 (1) of the Regulation is revoked and the following substituted:

- 1. A long-stay resident for whom the maximum monthly amount is determined to be \$963.16 under section 39.3.

3. (1) Item 10 of Table 3 of the Regulation is amended by adding "to and including June 30, 2003" after "September 1, 2002" in Column 1.

(2) Table 3 of the Regulation is amended by adding the following item:

11.	From and including July 1, 2003	31.67	1,480.99	48.69	1,724.32	56.69	2,028.49	66.69
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4. This Regulation comes into force on July 1, 2003.

24/03

ONTARIO REGULATION 221/03

made under the

HEALTH INSURANCE ACT

Made: May 28, 2003

Filed: May 29, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03, 62/03, 86/03, 179/03 and 203/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "recipient of public assistance" in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked.

2. Clause 10 (10) (b) of the Regulation is revoked and the following substituted:

(b) a person who was receiving benefits under the *General Welfare Assistance Act* or the *Family Benefits Act*, income support under the *Ontario Disability Support Program Act, 1997*, or income assistance under the *Ontario Works Act, 1997* on the day before the insured person was admitted to the hospital where they are receiving insured in-patient services;

3. Clause 15 (6) (a) of the Regulation is revoked and the following substituted:

(a) who receives benefits under the *Family Benefits Act*, income support under the *Ontario Disability Support Program Act, 1997*, or income assistance under the *Ontario Works Act, 1997*;

4. (1) Item 23 of Table 2 of the Regulation is amended by striking out "On or after September 1, 2002" in Column 1 and substituting "On or after September 1, 2002 but before July 1, 2003".

(2) Table 2 of the Regulation is amended by adding the following item:

24.	On or after July 1, 2003	Person with no dependants — maximum estimated income \$1,532.15	Estimated income less \$112.00	Estimated income less \$112.00, divided by 30.4167
		Person with one dependant — maximum aggregate estimated incomes \$7,717.00	Aggregate estimated incomes less \$3,273.00, divided by 3	Aggregate estimated incomes less \$3,273.00, divided by 91.2
		Person with two dependants — maximum aggregate estimated incomes \$8,186.00	Aggregate estimated incomes less \$3,742.00, divided by 3	Aggregate estimated incomes less \$3,742.00, divided by 91.2
		Person with three dependants — maximum aggregate estimated incomes \$8,612.00	Aggregate estimated incomes less \$4,168.00, divided by 3	Aggregate estimated incomes less \$4,168.00, divided by 91.2
		Person with four or more dependants — maximum aggregate estimated incomes \$8,994.00	Aggregate estimated incomes less \$4,550.00, divided by 3	Aggregate estimated incomes less \$4,550.00, divided by 91.2
		Person not referred to elsewhere in this item	\$1,480.99	\$48.69

5. This Regulation comes into force on July 1, 2003.

24/03

ONTARIO REGULATION 222/03

made under the

COMMODITY BOARDS AND MARKETING AGENCIES ACT

Made: May 21, 2003

Filed: May 29, 2003

Amending O. Reg. 68/98

(Levies or Charges — Turkey)

Note: Ontario Regulation 68/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsections 2 (2) and (3) of Ontario Regulation 68/98 are revoked and the following substituted:

(2) The authority granted under clause (1) (a) with respect to persons engaged in the production of turkey in Ontario is limited to fixing, imposing or collecting a levy or charge of not more than 1.6 cents per kilogram of turkey, live weight.

(3) The authority granted under clause (1) (a) with respect to persons engaged in the processing of turkey in Ontario is limited to fixing, imposing or collecting a levy or charge of not more than 0.5 cents per kilogram of turkey, live weight, until December 31, 2004.

24/03

ONTARIO REGULATION 223/03

made under the

EDUCATION ACT

Made: May 29, 2003

Filed: May 29, 2003

Amending O. Reg. 400/98

(Tax Matters — Tax Rates for School Purposes)

Note: Since the end of 2002, Ontario Regulation 400/98 has been amended by Ontario Regulation 74/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Table 13 of Ontario Regulation 400/98 is amended by striking out “0.02376009” opposite “Brockville, City of” under the column heading “Commercial Property Class” and substituting “0.023500”.

(2) Table 13 of the Regulation is amended by striking out “0.03392761” opposite “Brockville, City of” under the column heading “Industrial Property Class” and substituting “0.023500”.

(3) Table 13 of the Regulation is amended by striking out “0.02483850” opposite “Durham, Region of” under the column heading “Industrial Property Class” and substituting “0.02456005”.

(4) Table 13 of the Regulation is amended by striking out “0.02534236” opposite “Hamilton, City of” under the column heading “Commercial Property Class” and substituting “0.023500”.

(5) Table 13 of the Regulation is amended by striking out “0.02946139” opposite “Hamilton, City of” under the column heading “Industrial Property Class” and substituting “0.023500”.

(6) Table 13 of the Regulation is amended by striking out “0.02343513” opposite “North Bay, City of” under the column heading “Industrial Property Class” and substituting “0.01937000”.

(7) Table 13 of the Regulation is amended by striking out “0.01382397” opposite “Thunder Bay, City of” under the column heading “Pipe line Property Class” and substituting “0.02374483”.

(8) Table 13 of the Regulation is amended by striking out “0.03026372” opposite “Belleville, City of” under the column heading “Industrial Property Class” and substituting “0.02510535”.

2. Table 14 of the Regulation is amended by adding the following row under “Thunder Bay, District of”:

Territory	Tax Rate — Expressed as a Fraction of Assessed Value		
	Commercial Property Class	Industrial Property Class	Pipe Line Property Class
Ferland DSA Locality Education	0.00708982		

JANET ECKER
Minister of Finance

Dated on May 29, 2003.

24/03

ONTARIO REGULATION 224/03

made under the

OPTOMETRY ACT, 1991

Made: March 14, 2003
Approved: May 28, 2003
Filed: May 29, 2003

Amending O. Reg. 837/93
(Registration)

Note: Ontario Regulation 837/93 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraph 5 of subsection 2 (1) of Ontario Regulation 837/93 is revoked and the following substituted:

5. The applicant must not have been found guilty in relation to a criminal offence in any jurisdiction. For the purposes of this paragraph, a "criminal offence" includes, without being limited to, an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada).

(2) Paragraph 7 of subsection 2 (1) of the Regulation is revoked and the following substituted:

7. The applicant must meet the criteria set out in one of the following subparagraphs:

- i. successful completion, not more than three years before applying for registration, of the standards assessment examinations set or approved by the College,
- ii. successful completion, more than three years before applying for registration, of the standards assessment examinations set or approved by the College and proof, satisfactory to the Registration Committee,
 - A. of having provided at least 750 hours of direct optometric care to patients during the 36-month period immediately prior to applying for a general certificate of registration from the College, and of being competent to practise in accordance with the standards of practice on the basis of an assessment by the Quality Assurance Committee of any records that the applicant would have been required to maintain pursuant to the regulations, if the applicant had been a member of the College, or
 - B. of being competent to practise in accordance with the standards of practice on the basis of an evaluation of the applicant's knowledge, skills and judgment by the Quality Assurance Committee,
- iii. being currently licensed or registered to practise optometry in another province or territory of Canada with a licence or certificate of registration initially issued on or before July 1, 2001 that is considered by the Registration Committee to be the equivalent of a current general certificate of registration issued by the College, and submitting proof, satisfactory to the Registration Committee,
 - A. that he or she has provided at least 750 hours of direct optometric care to patients in Canada during the 36-month period immediately prior to applying for a general certificate of registration from the College,
 - B. that he or she is competent to practise in accordance with the standards of practice on the basis of an assessment by the Quality Assurance Committee of any records that the applicant would have been required to maintain pursuant to the regulations if the applicant had been a member of the College, or

- C. that he or she is competent to practise in accordance with the standards of practice on the basis of an evaluation of the applicant's knowledge, skills and judgment by the Quality Assurance Committee,
- iv. being currently licensed or registered to practise optometry in another province or territory of Canada with a licence or certificate of registration initially issued after July 1, 2001 that is considered by the Registration Committee to be the equivalent of a current general certificate of registration issued by the College, and,
 - A. successful completion, not more than three years before applying for a general certificate of registration from the College, of the standards assessment examinations set or approved by the College,
 - B. successful completion, more than three years before applying for a general certificate of registration from the College, of the standards assessment examinations set or approved by the College, and of having provided at least 750 hours of direct optometric care to patients in Canada during the 36-month period immediately prior to applying for a general certificate of registration from the College, as established by proof satisfactory to the Registration Committee,
 - C. successful completion, more than three years before applying for a general certificate of registration from the College, of the standards assessment examinations set or approved by the College, and that he or she is competent to practise in accordance with the standards of practice on the basis of an assessment by the Quality Assurance Committee of any records that the applicant would have been required to maintain pursuant to the regulations if the applicant had been a member of the College, as established by proof satisfactory to the Registration Committee, or
 - D. successful completion, more than three years before applying for a general certificate of registration from the College, of the standards assessment examinations set or approved by the College that he or she is competent to practise in accordance with the standards of practice on the basis of an evaluation of the applicant's knowledge, skills and judgment by the Quality Assurance Committee, as established by proof satisfactory to the Registration Committee.

(3) Paragraphs 7.2 and 7.3 of subsection 2 (1) of the Regulation are revoked and the following substituted:

7.2 If the applicant is required to undergo an assessment or an evaluation by the Quality Assurance Committee pursuant to paragraph 7, the applicant must pay in advance the required fee set out in the by-laws of the College.

(4) Section 2 of the Regulation is amended by adding the following subsection:

(1.1) An applicant who meets the requirements of subparagraph 7 iii of subsection (1) shall be deemed to meet the requirements of paragraph 2 of subsection (1).

(5) Subsections 2 (3) and (4) of the Regulation are revoked and the following substituted:

(3) Where an assessment or evaluation is performed by the Quality Assurance Committee pursuant to paragraph 7 of subsection (1), the Quality Assurance Committee shall provide a report to the Registrar, who shall provide a copy of it to the applicant.

2. Section 3 of the Regulation is revoked and the following substituted:

3. It is a condition of a general certificate of registration that the member shall provide the College with details of either of the following that relate to the member and that occur or arise after the member is registered:

1. Where the member is or has been registered or licensed to practise optometry in another jurisdiction, a finding of professional misconduct, incompetence or incapacity or any like finding against the member.
2. A finding of guilt in relation to a criminal offence in any jurisdiction. For the purposes of this paragraph, a "criminal offence" includes, without being limited to, an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada).

3. Subsection 5 (1) of the Regulation is revoked and the following substituted:

(1) The requirements and qualifications for issuing an academic certificate of registration are:

1. The applicant must have completed an application for an academic certificate of registration.
2. The applicant must hold an appointment as a professor, lecturer, resident, supervising clinician or graduate student at the School of Optometry of the University of Waterloo, or another university or optometric educational facility in Ontario approved by the Council.
3. The applicant must have one of the following academic qualifications:
 - i. successful completion of a course in optometry at a university, if the course, at the time the applicant commenced it, was accredited by the Accreditation Council on Optometric Education or another accrediting body approved by the Council, together with the award of a degree of doctor of optometry from that university,

- ii. successful completion of a course in optometry at a university in the United Kingdom, together with the award of a degree from that university, and current or past membership in the British College of Optometrists,
 - iii. successful completion of a course outside of Ontario, other than one mentioned in subparagraphs i or ii that the Registration Committee, having considered the rest of the applicant's qualifications, determines is acceptable.
4. The applicant must be able to speak and write in either English or French with reasonable fluency.
 5. Where the applicant has previously been registered or licensed as an optometrist in any jurisdiction, or has previously practised optometry, there must not be any finding of, or current proceeding involving an allegation of, professional misconduct, incompetence, incapacity or any like finding or proceeding against the applicant.
 6. The applicant must not have been found guilty in relation to a criminal offence in any jurisdiction. For the purposes of this paragraph, a "criminal offence" includes, without being limited to, an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada).
 7. The applicant must have Canadian citizenship, permanent residency or authorization under the *Immigration Act* (Canada) permitting the applicant to engage in the practice of optometry authorized by the academic certificate.
 8. The applicant must successfully complete the jurisprudence examination set or approved by the College at the time of the application.
 9. The applicant must pay the applicable fees.

4. Sections 6, 6.1, 7, 8 and 10 of the Regulation are revoked and the following substituted:

6. An academic certificate of registration is subject to the following terms, conditions and limitations:

1. The certificate is automatically revoked if,
 - i. the member ceases to hold an appointment mentioned in paragraph 2 of subsection 5 (1), or
 - ii. the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration Act* (Canada) permitting the member to engage in the practice of optometry as authorized by the academic certificate.
 2. The member may engage in the practice of optometry only at the School of Optometry of the University of Waterloo or at another university or optometric educational facility in Ontario approved by the Council, or a facility formally associated with the School of Optometry, university or optometric educational facility, as the case may be.
 3. The member must provide the College with details of either of the following that relate to the member and that occur or arise after the member is registered:
 - i. where the member is or has previously been registered or licensed as an optometrist in another jurisdiction, a finding of professional misconduct, incompetence, incapacity or any like finding or proceeding against the member, or
 - ii. a finding of guilt in any jurisdiction for an offence mentioned in paragraph 6 of subsection 5 (1).
 7. (1) Subject to subsections (2) and (3), it is a condition of a certificate of registration of any class that the member,
 - (a) provide at least 750 hours of direct optometric care to patients in Canada in every three-year period following the year in which the member is first registered; and
 - (b) provide an annual report to the Registrar, at a time set by the Registrar, detailing the member's participation in the mandatory continuing education program of the quality assurance program.
- (2) Subject to subsection (3), the Registration Committee may exempt a member holding a certificate of registration of any class who holds an appointment at the School of Optometry of the University of Waterloo or other optometric educational facility in Ontario approved by the Council from the requirement in clause (1) (a) if the member makes a written request to the Registration Committee and satisfies the Registration Committee that the member's academic duties prevented the member from meeting the requirement.
- (3) The Registrar shall refer a member to the Quality Assurance Committee for a practice assessment under the College's quality assurance program,
- (a) if a member has failed to meet any of the conditions of a certificate of registration set out in subsection (1) or to meet the published minimum requirements of the mandatory continuing education program of the quality assurance program; or
 - (b) if the member was granted an exemption under subsection (2) for the three-year period immediately preceding the member's ceasing to hold the appointment mentioned in subsection (2), unless the member can establish to the satisfaction of the Registrar that he or she did provide at least 750 hours of direct optometric care to patients in Canada during that period.

(4) A member who obtains an exemption pursuant to subsection (2) shall immediately advise the Registrar in writing if the member ceases to hold the appointment mentioned in that subsection.

8. A member who held an academic certificate of registration on April 26, 1999, shall be issued a general certificate of registration if the following requirements are met:

1. The member files an application for the certificate with the College on or before December 31, 2003.
2. The member satisfies the Registration Committee that on the date of filing the application, the member has held the academic certificate of registration for five or more consecutive years and had provided at least 100 hours of direct optometric care to patients in Canada during each of those years.
3. The member satisfies the Registration Committee that on the date of filing the application the member is a Canadian citizen or permanent resident or is authorized under the *Immigration Act* (Canada) to engage in the practice of optometry.
4. The member pays the applicable fees.

9. (1) All qualifications or requirements for the issuing of a general certificate of registration are non-exemptible, other than requirements listed in paragraph 3, 4 or 5 of subsection 2 (1).

(2) All qualifications or requirements for the issuing of an academic certificate of registration are non-exemptible, other than requirements listed in paragraph 4, 5 or 6 of subsection 5 (1).

COUNCIL OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO:

A. PAUL CHRIS
President

M.J. TURNOUR
Registrar

Dated on March 14, 2003.

24/03

ONTARIO REGULATION 225/03

made under the

DENTURISM ACT, 1991

Made: February 24, 2003

Approved: May 28, 2003

Filed: May 29, 2003

Amending O. Reg. 833/93
(Registration)

Note: Ontario Regulation 833/93 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subparagraph 1 ii of subsection 1 (1) of Ontario Regulation 833/93 is amended by striking out “outside of Ontario”.

(2) Subsection 1 (3) of the Regulation is revoked and the following substituted:

(3) Paragraphs 1 and 2 of subsection (1) do not apply to an applicant who is registered with the statutory regulator of denturists in another jurisdiction in Canada in which the occupational standards and requirements of denturism are, in the opinion of the Registration Committee, substantially equivalent to those of Ontario.

2. The Regulation is amended by adding the following section:

4.1 (1) Despite paragraphs 1 and 2 of subsection 1 (1), the Registration Committee may issue a certificate of registration that will expire after no more than 18 months to an applicant who is registered with the statutory regulator of denturists in

another jurisdiction in Canada in which the occupational standards and requirements of denturism are, in the opinion of the Registration Committee, not substantially equivalent to those of Ontario, for the purpose of permitting the applicant to meet the occupational standards and requirements of denturism in Ontario.

(2) A certificate of registration issued under subsection (1) is subject to any terms, conditions or limitations imposed by the Registration Committee for the purpose of restricting the holder of the certificate to performing those activities that are within the occupational standards and requirements of denturism in the jurisdiction where he or she is registered.

COUNCIL OF THE COLLEGE OF DENTURISTS OF ONTARIO:

KEITH D. COLLINS
President

MICHELLE KENNEDY
Registrar

Dated on February 24, 2003.

24/03

ONTARIO REGULATION 226/03

made under the

MEDICAL RADIATION TECHNOLOGY ACT, 1991

Made: May 19, 2003
Approved: May 28, 2003
Filed: May 29, 2003

PRESCRIBED FORMS OF ENERGY, SECTION 3 OF THE ACT

Electromagnetism

1. Electromagnetism is a prescribed form of energy for the purposes of section 3 of the Act.

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on May 19, 2003.

24/03

ONTARIO REGULATION 227/03

made under the

MEDICAL RADIATION TECHNOLOGY ACT, 1991

Made: May 16, 2003
Approved: May 28, 2003
Filed: May 29, 2003

Amending O. Reg. 866/93
(Registration)

Note: Ontario Regulation 866/93 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 1 (2) of Ontario Regulation 866/93 is amended by adding the following paragraph:

4. Magnetic resonance.

- (2) Section 1 of the Regulation is amended by adding the following subsection:

(3) A member may be authorized to practise more than one specialty if the member has satisfied the registration requirements for each specialty.

2. (1) Paragraphs 2 and 3 of subsection 3 (1) of the Regulation are revoked and the following substituted:

2. The applicant must not have been the subject of a finding of professional misconduct, incompetency or incapacity in relation to the profession or another health profession, either in Ontario or in another jurisdiction.
3. The applicant must not currently be the subject of a proceeding for professional misconduct, incompetency or incapacity in relation to the profession or another health profession, either in Ontario or in another jurisdiction.

(2) Section 3 of the Regulation is amended by adding the following subsection:

(1.1) Despite any other provision in this Regulation, an applicant who makes or permits to be made a false or misleading statement, representation or declaration in or in connection with his or her application, by commission or omission, shall be deemed, with respect to the application, not to satisfy, and not to have satisfied, the requirements for a certificate of registration in any class.

(3) Section 3 of the Regulation is amended by adding the following subsection:

(3) It is a condition of a specialty certificate of registration that a member shall, within every five-year period after the issuance of the certificate, engage in competent practice as a medical radiation technologist in at least one of the specialties in which the member holds a certificate of registration, and provide to the College satisfactory evidence of having done so.

3. (1) Subsection 4 (1) of the Regulation is amended by striking out “a specialty certificate of registration” in the portion before paragraph 1 and substituting “a specialty certificate of registration in the specialties of radiography, radiation therapy and nuclear medicine”.

(2) Subsection 4 (2) of the Regulation is revoked.

4. The Regulation is amended by adding the following sections:

4.1 (1) The following are non-exemptible registration requirements for a specialty certificate of registration in the specialty of magnetic resonance:

1. The applicant must have successfully completed a medical radiation technology program in the specialty which program is,
 - i. offered in Ontario and listed in Schedule 1.1 or offered in Ontario and considered by the Council to be equivalent to a program listed in Schedule 1.1,
 - ii. offered outside Ontario and listed in Schedule 1.2 or offered outside Ontario and considered by the Council to be equivalent to a program described in subparagraph i, or
 - iii. subject to paragraph 5, offered outside Ontario and not considered by the Council as equivalent to a program described in subparagraph i.
2. The applicant must have successfully completed the examination set or approved by the Council in the specialty.
3. The applicant must have engaged in clinical practice in the specialty within the five years immediately preceding the date of the application or must have successfully completed a program referred to in paragraph 1 within the five years preceding the date of the application.
4. The applicant must pay the annual fee required by the by-laws and the examination fee.
5. An applicant who has successfully completed a program described in subparagraph 1 iii must also provide the Registration Committee with satisfactory evidence as to his or her competence to practise in Ontario as a medical radiation technologist in the specialty.

(2) Despite subsection (1), an applicant for a specialty certificate of registration in the specialty of magnetic resonance who applies for the certificate prior to the date that is 387 days from the date on which Ontario Regulation 227/03 was filed may be issued the certificate if the applicant meets the following non-exemptible registration requirements:

1. The applicant must satisfy one of the following requirements:
 - i. the applicant is engaged in practice in Canada within the scope of practice of the specialty on the day this section comes into force, or
 - ii. the applicant was engaged in practice in Canada within the scope of practice of the specialty,
 - A. for at least 400 hours in the year prior to the day this section comes into force, or
 - B. for at least 1200 hours in the three years prior to the day this section comes into force.
2. The applicant must provide evidence satisfactory to the Registrar or the Registration Committee of competence to practise as a medical radiation technologist in the specialty.

3. The applicant must pay the annual fee required by the by-laws.

(3) For the purposes of subsection (2), the practice of the specialty is the use of electromagnetism to produce diagnostic images and tests and the evaluation of the technical sufficiency of the images and tests.

5. Section 8 of the Regulation is revoked and the following substituted:

8. (1) A member who uses an abbreviation for the title "medical radiation technologist" may use the abbreviation "M.R.T.".

(2) A member who holds a specialty certificate of registration listed in the first column of the Table to this subsection may use the title and the abbreviation set out opposite to the specialty in the second and third columns of the Table:

Specialty	Title	Abbreviation
Radiography	Medical Radiation Technologist — Radiography	M.R.T. (R.)
Radiation Therapy	Medical Radiation Technologist — Radiation Therapy; or Medical Radiation Technologist — Radiation Therapist	M.R.T. (T.)
Nuclear Medicine	Medical Radiation Technologist — Nuclear Medicine	M.R.T. (N.)
Magnetic Resonance	Medical Radiation Technologist — Magnetic Resonance	M.R.T. (M.R.)

(3) A member shall not use a title or abbreviation set out in the second or third column of the Table to subsection (2) unless the member holds a specialty certificate of registration listed in the first column of the Table opposite the title or abbreviation.

6. (1) Clause 10 (1) (a) of the Regulation is amended by striking out "as a medical radiation technologist" wherever it appears and substituting in each case "as a medical radiation technologist in one or more of the specialties".

(2) Clause 10 (2) (b) of the Regulation is amended by striking out "as a medical radiation technologist" wherever it appears and substituting in each case "as a medical radiation technologist in one or more of the specialties".

(3) Section 10 of the Regulation is amended by adding the following subsections:

(3) The specialty referred to in clause (1) (a) or (2) (b) must be the same specialty in which the person held a certificate of registration.

(4) If the person held a certificate of registration in more than one specialty and wishes to resume practice in one or more of the specialties in which he or she held a certificate of registration, the person must satisfy the requirements of clause (1) (a) or (2) (b), as applicable, in each specialty in which he or she wishes to resume practice.

7. The Regulation is amended by adding the following Schedules:

SCHEDULE 1.1

APPROVED PROGRAMS UNDER SUBPARAGRAPH 1 i OF SUBSECTION 4.1 (1)

Magnetic Resonance

1. The Michener Institute for Applied Health Sciences, Toronto, Ontario.

SCHEDULE 1.2

APPROVED PROGRAMS UNDER SUBPARAGRAPH 1 ii OF SUBSECTION 4.1 (1)

Magnetic Resonance

1. British Columbia Institute of Technology, Vancouver, British Columbia.
2. Northern Alberta Institute of Technology, Edmonton, Alberta.
3. Red River College of Applied Arts, Science and Technology, Winnipeg, Manitoba.

COUNCIL OF THE COLLEGE OF MEDICAL RADIATION
TECHNOLOGISTS OF ONTARIO:

SHEILA M. ROBSON
President

SHARON SABERTON
Registrar

Dated on May 16, 2003.

24/03

ONTARIO REGULATION 228/03

made under the

REGULATED HEALTH PROFESSIONS ACT, 1991

Made: May 19, 2003
Approved: May 28, 2003
Filed: May 29, 2003

Amending O. Reg. 107/96
(Controlled Acts)

Note: Ontario Regulation 107/96 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 107/96 is amended by adding the following section:

3.1 A member of the College of Medical Radiation Technologists is exempt from subsection 27 (1) of the Act for the purpose of applying electromagnetism if the application is ordered by a member of the College of Physicians and Surgeons of Ontario and,

- (a) the electromagnetism is applied for magnetic resonance imaging using equipment that is,
 - (i) installed in a site of a public hospital where the public hospital is approved as a public hospital under the *Public Hospitals Act* and the site of the public hospital is graded under that Act as a Group N site of a hospital, and
 - (ii) operated by the public hospital mentioned in subclause (i);
- (b) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
 - (i) the electromagnetism is used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*;
 - (ii) the magnetic resonance imaging is provided to persons who are insured persons within the meaning of the *Health Insurance Act*,
 - (iii) the electromagnetism is applied in an independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging; or
- (c) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
 - (i) the electromagnetism is not used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*, or the magnetic resonance imaging is not provided to persons who are insured persons within the meaning of that Act, or both,
 - (ii) the electromagnetism is applied in a facility that is operated by an operator that holds a licence under the *Independent Health Facilities Act* in respect of magnetic resonance imaging,
 - (iii) the electromagnetism is applied in a facility that is operated on the same premises as the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
 - (iv) the electromagnetism is applied using the same equipment that is used to provide magnetic resonance imaging in the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
 - (v) the operator of the facility in which the electromagnetism is applied is a party to a valid and subsisting agreement with the Minister concerning the provision of magnetic resonance imaging.

2. Subsection 5 (2) of the Regulation is revoked and the following substituted:

(2) A member of the College of Physicians and Surgeons of Ontario is exempt from subsection 27 (1) of the Act for the purpose of applying or ordering the application of electromagnetism if,

- (a) the electromagnetism is applied for magnetic resonance imaging using equipment that is,
 - (i) installed in a site of a public hospital where the public hospital is approved as a public hospital under the *Public Hospitals Act* and the site of the public hospital is graded under that Act as a Group N site of a hospital, and
 - (ii) operated by the public hospital mentioned in subclause (i);
- (b) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:

- (i) the electromagnetism is used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*;
 - (ii) the magnetic resonance imaging is provided to persons who are insured persons within the meaning of the *Health Insurance Act*,
 - (iii) the electromagnetism is applied in an independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging; or
- (c) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
- (i) the electromagnetism is not used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*, or the magnetic resonance imaging is not provided to persons who are insured persons within the meaning of that Act, or both,
 - (ii) the electromagnetism is applied in a facility that is operated by an operator that holds a licence under the *Independent Health Facilities Act* in respect of magnetic resonance imaging,
 - (iii) the electromagnetism is applied in a facility that is operated on the same premises as the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
 - (iv) the electromagnetism is applied using the same equipment that is used to provide magnetic resonance imaging in the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in subclause (ii),
 - (v) the operator of the facility in which the electromagnetism is applied is a party to a valid and subsisting agreement with the Minister concerning the provision of magnetic resonance imaging.

3. Section 7 of the Regulation is revoked and the following substituted:

7. A person is exempt from subsection 27 (1) of the Act for the purpose of,

- (a) applying soundwaves for pregnancy diagnostic ultrasound or pelvic diagnostic ultrasound if the application is ordered by a member of the College of Midwives of Ontario;
- (b) applying soundwaves for diagnostic ultrasound of the abdomen, pelvis and breast if the application is ordered by a member of the College of Nurses of Ontario who is a registered nurse in the extended class;
- (c) applying soundwaves for diagnostic ultrasound if the application is ordered by a member of the College of Physicians and Surgeons of Ontario;
- (d) applying electromagnetism if the application is ordered by a member of the College of Physicians and Surgeons of Ontario and,
 - (i) the electromagnetism is applied for magnetic resonance imaging using equipment that is,
 - (A) installed in a site of a public hospital where the public hospital is approved as a public hospital under the *Public Hospitals Act* and the site of the public hospital is graded under that Act as a Group N site of a hospital, and
 - (B) operated by the public hospital mentioned in sub-subclause (A),
 - (ii) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
 - (A) the electromagnetism is used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*;
 - (B) the magnetic resonance imaging is provided to persons who are insured persons within the meaning of the *Health Insurance Act*,
 - (C) the electromagnetism is applied in an independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging, or
 - (iii) the electromagnetism is applied for magnetic resonance imaging and all of the following conditions are met:
 - (A) the electromagnetism is not used to support, assist and be a necessary adjunct, or any of them, to an insured service within the meaning of *Health Insurance Act*, or the magnetic resonance imaging is not provided to persons who are insured persons within the meaning of that Act, or both,
 - (B) the electromagnetism is applied in a facility that is operated by an operator that holds a licence under the *Independent Health Facilities Act* in respect of magnetic resonance imaging,
 - (C) the electromagnetism is applied in a facility that is operated on the same premises as the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in sub-subclause (B),

- (D) the electromagnetism is applied using the same equipment that is used to provide magnetic resonance imaging in the independent health facility licensed under the *Independent Health Facilities Act* in respect of magnetic resonance imaging that is operated by the operator mentioned in sub-subclause (B),
 - (E) the operator of the facility in which the electromagnetism is applied is a party to a valid and subsisting agreement with the Minister concerning the provision of magnetic resonance imaging; and
 - (e) applying electricity for aversive conditioning if the application is ordered and directed by a member of the College of Physicians and Surgeons of Ontario or by a member of the College of Psychologists of Ontario.
4. **Clause 7 (d) of the Regulation, as remade by section 3 of this Regulation, is revoked.**
5. **(1) Subject to subsection (2), this Regulation comes into force on filing.**
- (2) Sections 1 and 4 come into force 387 days after filing.**

TONY CLEMENT
Minister of Health and Long-Term Care

Dated on May 19, 2003.

24/03

ONTARIO REGULATION 229/03

made under the

PESTICIDES ACT

Made: May 28, 2003

Filed: May 30, 2003

Amending Reg. 914 of R.R.O. 1990
(General)

Note: Regulation 914 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 20.2 of Regulation 914 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(1.2) Despite subsection (1), an exterminator may supervise at the same time up to seven technicians or trainees working at one or more exterminations if the following conditions are satisfied:

1. The exterminator holds a Mosquito/Biting Flies water exterminator's licence.
2. The exterminator is supervising only technicians or trainees who are working at water exterminations to control mosquito larvae.
3. Each extermination is performed pursuant to a permit issued under subsection 7 (2) of the Act authorizing the prevention or control of mosquito-borne disease.

2. Section 103 of the Regulation is amended by striking out "subsection 7 (1)" and substituting "subsection 7 (2)".

24/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—06—21

ONTARIO REGULATION 230/03

made under the

LIQUOR LICENCE ACT

Made: April 24, 2003

Filed: June 3, 2003

Amending Reg. 719 of R.R.O. 1990
(Licences to Sell Liquor)

Note: Regulation 719 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of “stadium” in section 1 of Regulation 719 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“stadium” means a premises whose seating is in fixed tiers and in which live sporting and entertainment events take place before an audience;

2. Section 2 of the Regulation is revoked.

3. Section 7 of the Regulation is revoked.

4. Subsection 7.1 (1) of the Regulation is amended by striking out “In the absence of receiving submissions to the contrary” and substituting “In the absence of evidence to the contrary”.

5. Subsection 8 (2) of the Regulation is amended by adding the following paragraph:

7. A stadium endorsement authorizing the sale and service of liquor in the tiered seats of a stadium during live sporting and entertainment events approved by the Registrar of Alcohol and Gaming.

6. Section 9 of the Regulation is amended by striking out “14.1” and substituting “14”.

7. Section 11 of the Regulation is amended by adding “Except in a stadium” at the beginning.

8. Sections 11.1, 11.2, 11.3 and 11.4 of the Regulation are revoked.

9. Section 12 of the Regulation is revoked and the following substituted:

12. (1) The maximum capacity of premises to which the *Building Code Act, 1992* applies is the maximum capacity determined under that Act.

(2) The maximum capacity of premises to which the *Building Code Act, 1992* does not apply is the maximum capacity determined under the *Fire Protection and Prevention Act, 1997* if that Act applies to the premises.

(3) The maximum capacity of premises to which neither the *Building Code Act, 1992* nor the *Fire Protection and Prevention Act, 1997* applies is determined by allowing 1.11 square metres per person.

(4) Subsections (1), (2) and (3) do not apply to railway cars, boats and the playing area of a golf course.

10. Section 14.1 of the Regulation is revoked.

11. Section 15 of the Regulation is revoked and the following substituted:

15. (1) Except as provided in subsection (2), the holder of a licence to sell liquor shall not contract out the sale and service of liquor.

(2) The Registrar shall authorize a licence holder to contract out the sale and service of liquor to a person who is applying to receive the transfer of the licence holder’s licence if,

(a) the applicant has filed with the Registrar of Alcohol and Gaming an application for transfer and paid the required fee; and

(b) the licence holder has signed an authorization for the applicant to operate the business and has filed it with the Registrar.

(3) The licence holder shall remain liable under the licence during the period for which the sale and service of liquor has been contracted out and the authorization shall state that the licence holder is so liable for that period.

(4) An authorization expires,

(a) on the issuance of the transfer of the licence; or

(b) on the issuance of a notice of proposal to refuse the transfer.

12. Section 17 of the Regulation is revoked and the following substituted:

17. (1) The holder of a licence to sell liquor shall not supply liquor to a person except in accordance with the conditions of the liquor sales licence.

(2) The licence holder shall ensure that liquor is offered for sale, sold and served only under the supervision of an employee authorized by the licence holder for the purpose.

(3) The licence holder shall ensure that no liquor is sold or served from a vending machine.

13. The Regulation is amended by adding the following sections:

18.1 The holder of a licence to sell liquor shall not require a person to purchase a minimum number of drinks in order to gain entry to, or remain on, the premises to which the licence applies.

18.2 (1) The holder of a licence to sell liquor shall not permit contests on the premises to which the licence applies which involve the purchase or consumption of liquor.

(2) The licence holder shall not permit contests which require a patron to remain on the premises in order to receive a prize.

(3) Except as permitted in subsection 33 (2), the licence holder shall not permit free liquor to be offered or given to a patron as a prize in a contest.

14. (1) Subsection 20 (2) of the Regulation is amended by adding the following clause:

(e) permit persons employed on the licensed premises to purchase servings of liquor for patrons or offer servings of liquor to patrons free of charge.

(2) Subsection 20 (7) of the Regulation is revoked and the following substituted:

(7) The holder of a licence to sell liquor that applies to premises in which the Ontario Lottery and Gaming Corporation conducts and manages a lottery scheme is exempt from clause (2) (a) with respect to any part of the premises to which public access is restricted and which are approved by the Registrar of Alcohol and Gaming.

15. Section 20.1 of the Regulation is amended by adding the following subsection:

(4) If there is a temporary increase in the price of liquor or of a drink containing liquor, the licence holder shall post notices specifying the increase and when it takes effect in locations visible to persons on the premises.

16. (1) Clauses 23 (3) (c) and (c.1) of the Regulation are revoked and the following substituted:

(c) a lottery scheme conducted and managed by the Ontario Lottery and Gaming Corporation;

(2) Subsection 23 (4) of the Regulation is revoked and the following substituted:

(4) In clause (3) (b),

“municipality” includes an upper-tier municipality.

17. Section 24 of the Regulation is revoked.

18. Subsection 26 (3) of the Regulation is revoked and the following substituted:

(3) In subsection (2),

“municipality” includes an upper-tier municipality.

19. Subsection 30 (1) of the Regulation is revoked.

20. Clause 31 (1) (a) of the Regulation is revoked.

21. Subsection 32 (1) of the Regulation is revoked and the following substituted:

(1) A licence holder who offers spirits, beer or wine for sale shall keep in stock and offer for sale a variety of liquor products of a variety of manufacturers.

22. Sections 37, 39 and 40 of the Regulation are revoked.

23. (1) Paragraph 5 of subsection 41 (5) of the Regulation is revoked.

(2) Subsection 41 (6) of the Regulation is revoked.

24. Clause 44 (1) (b) of the Regulation is amended by striking out “licensed”.

25. Subsection 45 (1) of the Regulation is amended by adding “unlawful gambling” after “drunkenness”.

26. Section 47 of the Regulation is revoked and the following substituted:

47. (1) Liquor belonging to the licence holder must be stored adjacent to the premises for which the licence is issued.

(2) Despite subsection (1), liquor may be stored in a convenient location near the premises if the premises is a railway car or a boat or if it is not practical to store the liquor adjacent to the premises.

(3) The licence holder shall notify the Registrar of Alcohol and Gaming of the location of any liquor stored away from the premises pursuant to subsection (2).

27. Sections 53 of the Regulation is revoked and the following substituted:

53. The licence holder shall make available to, or shall post in locations visible to, persons on the premises lists describing,

(a) the varieties of liquor available for sale;

(b) the amount of liquor in each type of drink offered for sale;

(c) the varieties of non-alcoholic beverages available for sale; and

(d) the purchase price of the liquor and the non-alcoholic beverages.

28. Section 54 of the Regulation is revoked and the following substituted:

54. (1) The licence holder shall retain for one year,

(a) records of the purchases of liquor offered for sale in the premises to which the licence applies; and

(b) records of the sales of liquor in the premises to which the licence applies.

(2) The records must include purchase invoices.

29. Section 68 of the Regulation is amended by striking out “69” and substituting “70”.

30. Section 69 of the Regulation is revoked.

31. Clause 70 (1) (a) of the Regulation is revoked.

32. Section 75 of the Regulation is revoked and the following substituted:

75. The licence holder shall retain records of mini bar sales for one year.

33. Sections 76, 76.1, 77 and 78 of the Regulation are revoked and the following substituted:

76. (1) No stadium endorsement shall be issued with respect to a stadium unless the council of the municipality in which the stadium is located has passed a resolution approving the issuance of a stadium endorsement.

(2) Despite subsection (1), a person who holds a liquor sales licence with respect to a stadium where the sale and service of liquor to patrons in the tiered seats is authorized on the day this section comes into force is not required to obtain a resolution under subsection (1).

(3) Subsection (1) does not apply to premises located at Molson Amphitheatre at Ontario Place, Toronto and Kingswood Music Theatre at Paramount Canada’s Wonderland, 9580 Jane Street, Vaughan.

(4) The Registrar of Alcohol and Gaming is exempt from subsection 7 (1) of the Act in respect of an application for a stadium.

76.1 Holders of liquor sales licences with a stadium endorsement are exempt from subsection 20.1 (4), section 23, subsection 32 (2) and section 53.

77. Each licence holder shall ensure that the conditions of the licence that are set out in subsection 79 (4) and sections 80, 81, 83, 85 and 86 respecting stadiums are met.

78. A stadium endorsement shall be issued only with respect to a stadium that is primarily used for live entertainment events or live professional sporting events.

34. Subsections 79 (1) and (3) of the Regulation are revoked.

35. Sections 80, 80.1 and 81 of the Regulation are revoked and the following substituted:

80. (1) The holder of a liquor sales licence with a stadium endorsement may sell and serve liquor for consumption by patrons in the seating area, including the tiered seats, only,

- (a) during a live sporting event approved by the Registrar of Alcohol and Gaming held at the stadium and during the 90-minute period immediately prior to the event; or
- (b) during a live entertainment event approved by the Registrar of Alcohol and Gaming held at the stadium and during the 90-minute period immediately prior to the event.

(2) The Registrar of Alcohol and Gaming shall not approve a live sporting event for the purposes of clause (1) (a) if the majority of the participants in the event or the patrons in the stadium at the event are under the age of 19 years.

(3) Despite subsection (2), the Registrar of Alcohol and Gaming may approve an Ontario Hockey League event or a United States Hockey League event even if the majority of the participants in the event are under the age of 19 years.

(4) The Registrar of Alcohol and Gaming shall not approve a live entertainment event for the purposes of clause (1) (b) unless,

- (a) the lighting for the tiered seating of the stadium during the event is sufficient to conduct inspections under the Act and this Regulation; and
- (b) the majority of the patrons at the event are at least 19 years of age or older.

(5) Where the Registrar of Alcohol and Gaming has approved a live entertainment event under subsection (4), the licence holder shall ensure there is compliance with the requirements set out in clauses (4) (a) and (b).

81. (1) Premises located at The Coliseum, Exhibition Place, Toronto are exempt from section 11 with respect to the event known as The Royal Agricultural Winter Fair on condition that the sale and service of liquor is conducted under a caterer's endorsement.

(2) Subsection 79 (4) and sections 83, 85 and 86 apply to the sale and service of liquor to patrons in the tiered seats of The Coliseum during the Royal Agricultural Winter Fair as if The Coliseum were a stadium.

36. Sections 88, 89, 90, 92 and 92.1 of the Regulation are revoked.

37. Section 96 of the Regulation is amended by striking out "or" at the end of clause (d), by adding "or" at the end of clause (e) and by adding the following clause:

- (f) when executors or administrators of the estate of a deceased licence holder take possession of the premises to which the licence applies.

38. Sections 98, 98.1, 98.2, 98.2.1, 98.2.2, 98.2.3, 98.2.4, 98.2.5 and 98.2.6 of the Regulation are revoked.**39. Section 100.1 of the Regulation is revoked and the following substituted:**

100.1 Any golfer who obtained liquor at any licensed area of a golf course is exempt from subsection 32 (1) of the Act while driving or having the care or control of a golf cart on the playing area of the golf course.

40. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Sections 3, 11 and 19 come into force on August 1, 2003.

25/03

ONTARIO REGULATION 231/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: June 4, 2003

Filed: June 5, 2003

Amending O. Reg. 199/03
(Control of West Nile Virus)

Note: Ontario Regulation 199/03 has not previously been amended.

1. Section 1 of Ontario Regulation 199/03 is revoked and the following substituted:

Determination if action required

1. A medical officer of health shall make a determination whether action is required by a municipality to decrease the risk of West Nile Virus to persons either inside or outside the health unit served by the medical officer of health, based upon a local risk assessment in accordance with the document entitled *West Nile Virus Preparedness and Prevention Plan for Ontario*, published by and available from the Ministry of Health and Long-Term Care, and as revised on May 27, 2003.

25/03

ONTARIO REGULATION 232/03

made under the

CORPORATIONS TAX ACT

Made: June 4, 2003

Filed: June 6, 2003

Amending Reg. 183 of R.R.O. 1990
(General)

Note: Regulation 183 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 401 of Regulation 183 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

42. Canada Post Corporation, for taxation years ending after December 31, 2002.

2. (1) Subsection 703 (2) of the Regulation is amended by adding the following paragraph:

6.1 Associates Capital Corporation of Canada,

- i. for the purposes of third party investors, for taxation years ending after December 31, 2001, and
- ii. for the purposes of the Corporation and related corporations, for taxation years ending after December 31, 1997.

(2) Paragraphs 7, 8, 9 and 10 of subsection 703 (2) of the Regulation are revoked and the following substituted:

- 7. Associates Financial Services of Canada Ltd., for taxation years ending after March 1, 1998 and before May 1, 2001.
- 8. Associates Mortgage Corporation, for taxation years ending after March 1, 1998 and before May 1, 2001.
- 8.1 Citibank Canada Investment Funds Limited,
 - i. for the purposes of third party investors, for taxation years ending after December 31, 2000, and
 - ii. for the purposes of the Corporation and related corporations, for taxation years ending after December 31, 1999.
- 8.2 CitiCapital Commercial Corporation, for taxation years ending after December 31, 1999.
- 8.3 CitiFinancial Canada, Inc., for taxation years ending after May 31, 1999.
- 8.4 CitiFinancial Services of Canada Ltd., for taxation years ending after April 30, 2001.
- 8.5 CitiFinancial Mortgage Corporation, for taxation years ending after April 30, 2001.
- 8.6 Commercial Credit Corporation CCC Limited, for taxation years ending after December 31, 1997 and before June 1, 1999.
- 9. GE Capital Canada Limited, for taxation years ending before August 2, 2000.
- 10. GE Capital Canada Retailer Financial Services Company, for taxation years ending before August 2, 2000.
- 10.1 GE Card Services Canada Inc., for taxation years ending after August 1, 2000.
- (3) Subsection 703 (2) of the Regulation is amended by adding the following paragraphs:**
- 12.1 Trans Canada Retail Services Company, for taxation years ending after January 14, 2002.
- 12.2 National Retail Credit Services Company, for taxation years ending after December 31, 1998 and before January 15, 2002.

12.3 Northwest Financial Canada Company, for taxation years ending after December 31, 1998 and before September 7, 2001.

(4) Paragraphs 20, 25 and 26 of subsection 703 (2) of the Regulation are revoked.

(5) Subsection 703 (2) of the Regulation is amended by adding the following paragraphs:

29. State Farm Finance Corporation of Canada, for taxation years ending after December 31, 2001.

30. Wells Fargo Financial Canada Corporation, for taxation years ending after September 6, 2001.

31. Every corporation that is a financial institution for the purposes of Part 1.3 of the *Income Tax Act* (Canada) by virtue of paragraph (g) of the definition of "financial institution" in subsection 181 (1) of that Act, other than,

i. a corporation described in paragraph 1 to 30,

ii. a corporation that has notified the Minister in writing that the corporation does not wish to be prescribed for the purposes of Part III of the *Corporations Tax Act*, or

iii. a corporation that is a financial institution for the purposes of Part 1.3 of the *Income Tax Act* (Canada), as of a date before December 21, 2002.

3. (1) Section 906 of the Regulation is amended by adding the following subsection:

(2.1) For the purposes of this section,

"qualifying predecessor corporation" has the meaning assigned by subsection 43.11 (15) of the Act.

(2) Paragraphs 2, 3, 5 and 6 of subsection 906 (4) of the Regulation are revoked and the following substituted:

2. All or substantially all of the product was developed in Ontario by the qualifying corporation or by the qualifying corporation and a qualifying predecessor corporation.

3. The product was developed for commercial exploitation by the qualifying corporation or by the qualifying corporation and a qualifying predecessor corporation.

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5. The product is not used primarily to present or promote the qualifying corporation or a qualifying predecessor corporation.

6. The product is not used primarily to present, promote or sell the products or services of the qualifying corporation or of a qualifying predecessor corporation.

(3) Subsection 906 (5) of the Regulation is revoked and the following substituted:

(5) For the purposes of the definition of "Ontario labour expenditure" in subsection 43.11 (15) of the Act, the amount of the Ontario labour expenditure of the qualifying corporation or of the qualifying predecessor corporation, as the case may be, incurred in a taxation year with respect to an eligible product is the sum of,

(a) the qualifying wage amount described in subsection (6) of the qualifying corporation or qualifying predecessor corporation for the taxation year with respect to the eligible product; and

(b) 50 per cent of the qualifying remuneration amount as described in subsection (7) of the qualifying corporation or qualifying predecessor corporation for the taxation year with respect to the eligible product.

(4) Subsection 906 (6) of the Regulation is revoked and the following substituted:

(6) Subject to subsection (8), the qualifying wage amount of the qualifying corporation or qualifying predecessor corporation for a taxation year with respect to the eligible product is the amount incurred during the taxation year and after June 30, 1998 on account of salaries or wages of its employees.

(5) Subsection 906 (7) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(7) Subject to subsection (8), the qualifying remuneration amount of the qualifying corporation or qualifying predecessor corporation for a taxation year with respect to the eligible product is the amount incurred during the taxation year and after May 4, 1999 by the qualifying corporation or qualifying predecessor corporation on account of remuneration, which is paid to any of the following persons or entities in the circumstances that are described:

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(6) Paragraph 1 of subsection 906 (7) of the Regulation is revoked and the following substituted:

1. An individual who is not an employee of the qualifying corporation or qualifying predecessor corporation, as the case may be, and who deals at arm's length with that corporation, if the expenditure is attributable to services personally rendered by the individual.

(7) Subparagraph 3 ii of subsection 906 (7) of the Regulation is revoked and the following substituted:

- ii. if the individual deals at arm's length with the qualifying corporation or qualifying predecessor corporation, as the case may be, and

(8) Paragraph 4 of subsection 906 (7) of the Regulation is amended by inserting "or qualifying predecessor corporation" after "qualifying corporation".

(9) Subsection 906 (8) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(8) An expenditure is not to be included in the qualifying wage amount or qualifying remuneration amount of the qualifying corporation or qualifying predecessor corporation, as the case may be, for a taxation year with respect to the eligible product unless it meets all of the following conditions:

(10) Paragraphs 5, 6 and 7 of subsection 906 (8) of the Regulation are revoked and the following substituted:

5. In the case of the qualifying wage amount, the expenditure is paid to an employee of the qualifying corporation or qualifying predecessor corporation, as the case may be, who reported to a permanent establishment of that corporation in Ontario at which the eligible product was being developed.
6. In the case of the qualifying remuneration amount, the expenditure is paid for services rendered at a permanent establishment in Ontario of the qualifying corporation, of a qualifying predecessor corporation or of a person or entity described in one of the paragraphs of subsection (7).
7. The expenditure is not an amount,
 - i. for which the qualifying corporation or qualifying predecessor corporation makes a claim under section 43.5, 43.8 or 43.10 of the Act, or
 - ii. incurred by the qualifying corporation or a qualifying predecessor corporation in carrying out activities that constitute scientific research and experimental development for the purposes of paragraph 37 (1) (a) of the *Income Tax Act* (Canada) or subparagraph 37 (1) (b) (i) of that Act.

(11) Subsections 906 (8.1) and (9) of the Regulation are revoked and the following substituted:

(8.1) If an expenditure is not included in the qualifying wage amount or qualifying remuneration amount of the qualifying corporation or qualifying predecessor corporation, as the case may be, for a taxation year because of paragraph 3 of subsection (8), the expenditure may be included in the qualifying wage amount or qualifying remuneration amount for a subsequent taxation year if the expenditure is paid no later than 60 days after the end of that subsequent taxation year.

(9) For the purposes of paragraph 5 of subsection (7), an eligible partnership is a partnership carrying on business in Canada whose members are all individuals. However, a partnership is not an eligible partnership in relation to a qualifying corporation or in relation to a qualifying predecessor corporation, as the case may be, if more than 50 per cent of the income of the partnership is allocable (or would be allocable if it had income) to one or more members,

- (a) who directly or indirectly control the qualifying corporation or qualifying predecessor corporation; or
- (b) who are related to one or more persons who directly or indirectly control the qualifying corporation or qualifying predecessor corporation.

(12) Subsection 906 (10) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(10) For the purposes of the definition of "marketing and distribution expenditure" in subsection 43.11 (15) of the Act and subject to subsection (11), the marketing and distribution expenditure incurred by a qualifying corporation or qualifying predecessor corporation in respect of an eligible product is the amount of any expenditure incurred by the qualifying corporation or qualifying predecessor corporation in the taxation year that meets all of the following conditions:

(13) Paragraphs 4 and 6 of subsection 906 (10) of the Regulation are revoked and the following substituted:

4. The expenditure is not an amount,
 - i. for which the qualifying corporation or qualifying predecessor corporation, as the case may be, makes a claim under section 43.5, 43.8 or 43.10 of the Act, or
 - ii. incurred by the qualifying corporation or qualifying predecessor corporation in carrying out activities that constitute scientific research and experimental development for the purposes of paragraph 37 (1) (a) of the *Income Tax Act* (Canada) or subparagraph 37 (1) (b) (i) of that Act.

6. If the expenditure relates to an amount paid or payable for meals or entertainment, only 50 per cent of the amount is included in the marketing and distribution expenditure incurred by the qualifying corporation or qualifying predecessor corporation, as the case may be, in a taxation year.

(14) Subsection 906 (11) of the Regulation is amended by striking out “by a qualifying corporation” and substituting “by the qualifying corporation or qualifying predecessor corporation, as the case may be,”.

4. (1) Subject to subsections (2) to (5), this Regulation comes into force on the day it is filed.
 (2) Section 2 shall be deemed to have come into force on December 21, 2002.
 (3) Subsections 3 (1) to (4) and (9) to (11) shall be deemed to have come into force on July 1, 1998.
 (4) Subsections 3 (5) to (8) shall be deemed to have come into force on May 5, 1999.
 (5) Subsections 3 (12) to (14) shall be deemed to have come into force on May 3, 2000.

25/03

ONTARIO REGULATION 233/03

made under the

REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001

Made: June 4, 2003

Filed: June 6, 2003

PAYMENTS OUT OF SPECIAL PURPOSE ACCOUNTS

GENERAL

Definitions

1. In this Regulation,
 “adjudicator” means a person appointed by the Lieutenant Governor in Council under section 3; (“arbitre”)
 “direct victim” means a person who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the *Family Law Act*, as a result of unlawful activity; (“victime directe”)
 “final day for filing” means the date named in a notice published under section 4 or 12 on or before which all claims for the compensation pursuant to the notice must be filed; (“échéance de production”)
 “special purpose account” means an account established under section 6, 11 or 15 of the Act. (“compte spécial”)

Priority of payments from special purpose accounts

2. (1) Money shall be paid out of a special purpose account established under section 6 or 11 of the Act as follows:
1. First, to compensate direct victims of the unlawful activity, in accordance with sections 3 to 10.
 2. If any money remains after payment under paragraph 1, or if no money is paid under paragraph 1, then to compensate the Crown in right of Ontario, in accordance with section 11.
 3. If any money remains after payment under paragraph 2, or if no money is paid under paragraph 2, then to compensate municipal corporations or public bodies of a prescribed class, in accordance with sections 12 to 19.
 4. If any money remains after payment under paragraph 3, or if no money is paid under paragraph 3, then to assist victims of unlawful activities or to prevent unlawful activities, in accordance with section 20.
- (2) Money shall be paid out of a special purpose account established under section 15 of the Act as follows:
1. First, to compensate the Crown in right of Ontario, in accordance with section 11.
 2. If any money remains after payment under paragraph 1, or if no money is paid under paragraph 1, then to compensate municipal corporations or public bodies of a prescribed class, in accordance with sections 12 to 19.
 3. If any money remains after payment under paragraph 2, or if no money is paid under paragraph 2, then to assist victims of unlawful activities or to prevent unlawful activities, in accordance with section 20.

(3) Any money deposited to a special purpose account after compensation has been determined or paid under any paragraph of subsection (1) or (2) shall be applied to payments from the account under the subsequent paragraph or paragraphs, but shall not be applied to payments or be considered in determining or altering compensation under the paragraph or paragraphs under which compensation has already been determined or paid. For example, if money is deposited to a special purpose account after compensation has been determined under paragraph 1 of subsection (1), the deposited money shall be applied to payments from the account under paragraph 2, 3 or 4 of subsection (1) but shall not be considered or applied to compensation under paragraph 1 of subsection (1).

COMPENSATION TO DIRECT VICTIMS OF UNLAWFUL ACTIVITY
(PARAGRAPH 1 OF SUBSECTION 6 (3) OF THE ACT,
PARAGRAPH 1 OF SUBSECTION 11 (3) OF THE ACT)

Adjudicator

3. (1) The Lieutenant Governor in Council may appoint one or more persons to act as adjudicator of the claims made by direct victim claimants under this Regulation.

(2) An adjudicator shall receive remuneration and expenses as determined by the Lieutenant Governor in Council.

(3) The Attorney General may assign one or more employees of the Ministry of the Attorney General to assist an adjudicator in carrying out his or her duties under this Regulation.

Notice

4. (1) Within one year after the first deposit of money into a special purpose account, the Attorney General shall give notice in accordance with this section.

(2) The notice shall be published in *The Ontario Gazette* and may also be published in any other way or ways that, in the opinion of the Attorney General or his or her designate, will bring the right to make a claim for compensation to the attention of direct victims of the unlawful activity to which the special purpose account relates.

(3) The notice shall,

- (a) identify the proceeding under the Act as a result of which the money was deposited into the special purpose account;
- (b) state that any person who suffered pecuniary or non-pecuniary losses as a result of the unlawful activity in relation to which the proceeding was commenced is entitled to make a claim for compensation;
- (c) describe the steps to be taken to make a claim;
- (d) name the final day for filing, which shall not be earlier than six months after the first publication of the notice in *The Ontario Gazette* or later than nine months after that first publication;
- (e) state that a claim that does not comply with this Regulation will be denied;
- (f) give an address and telephone number to which inquiries about potential claims may be directed;
- (g) give an address where claims should be filed;
- (h) include any other information that the Attorney General considers appropriate.

(4) If the Attorney General or his or her designate is of the opinion, having regard to the number of potential direct victim claimants for compensation from a special purpose account and to the amount available for compensation from the account, that the amount of compensation to each direct victim claimant would be too small to justify the administrative costs of adjudicating the claims, the Attorney General or his or her designate, as the case may be, may decide that no compensation will be paid to any direct victim claimant from the special purpose account and, in that case, the Attorney General shall not give notice in accordance with this section.

Claim

5. (1) A direct victim claimant shall use the claim form provided by the Attorney General.

(2) The claim shall include a description of the claimant's pecuniary losses and documentary evidence of the losses, including receipts and invoices.

(3) If the claim is also for non-pecuniary losses, it shall include a description of the claimant's non-pecuniary losses and documentary evidence of the losses.

(4) The claim shall identify any other sources from which compensation for the losses claimed by the claimant under this section have been paid or are payable to the claimant, and the amount of that compensation.

(5) The claim shall be filed on or before the final day for filing.

(6) The claimant shall revise the information required under subsection (4) as the information changes or as more such information becomes available to the claimant, even after receiving compensation from the special purpose account under section 7 or 8.

No payments made until all claims are adjudicated

6. No payments shall be made out of the special purpose account to direct victim claimants until all the claims filed by direct victim claimants in accordance with section 5 have been adjudicated and the amount of compensation to each claimant is determined under section 7 or 8.

Determination of eligibility and amount of compensation

7. (1) The adjudicator shall review all the direct victim claims filed on or before the final day for filing and shall determine,

- (a) each direct victim claimant's eligibility for compensation; and
- (b) the amount of compensation to be paid to each eligible direct victim claimant.

(2) A direct victim claimant is eligible for compensation from the special purpose account if the claim is filed in accordance with section 5 and if the adjudicator is satisfied by the claim and by any other information obtained by the adjudicator under section 19 of the Act that,

- (a) the claimant suffered pecuniary or non-pecuniary losses as a result of the unlawful activity;
- (b) the amount of the losses can be quantified; and
- (c) full compensation for the losses has not been paid or is not payable to the claimant from other sources.

(3) In determining whether a direct victim claimant is eligible for compensation and the amount of compensation to be paid to an eligible direct victim claimant, the adjudicator shall have regard to all relevant circumstances, including any behaviour of the claimant that may have directly or indirectly contributed to the claimant's losses or to the unlawful activity.

(4) Even if a direct victim claimant is eligible to receive compensation as determined under subsections (2) and (3), the adjudicator may decline to pay any compensation to the claimant if, in the adjudicator's opinion,

- (a) the amount of the compensation would be too small to justify the administrative costs of paying it; or
- (b) the losses suffered by the claimant are remote from the unlawful activity.

Amount of compensation where claims exceed balance of account

8. If the total amount of the compensation that would otherwise be paid to all the eligible direct victim claimants under section 7 exceeds the balance available in the special purpose account, the amount of compensation shall be determined and paid as follows:

1. Compensation for pecuniary losses of direct victim claimants who are individuals shall be determined first.
2. If the total amount that would otherwise be paid to all the eligible individual direct victim claimants for pecuniary losses exceeds the balance available in the special purpose account, the amount that would otherwise be paid to each individual direct victim claimant for pecuniary losses shall be reduced pro-rata in the proportion that the balance of the special purpose account bears to the total amount that would otherwise be paid to all the eligible individual direct victim claimants for pecuniary losses.
3. If, in the adjudicator's opinion, the payment for pecuniary losses to each individual direct victim claimant would be too small to justify the administrative costs of paying them, the adjudicator may decline to pay any compensation under paragraph 1 or 2.
4. If there is any balance available in the special purpose account after compensation for the pecuniary losses is determined under paragraph 1 or 2, compensation for non-pecuniary losses of direct victim claimants who are individuals shall be determined.
5. If the total of the amount that would otherwise be paid to all the eligible individual direct victim claimants for non-pecuniary losses exceeds the balance available in the special purpose account after compensation for the pecuniary losses under paragraph 1 or 2 is paid, the amount that would otherwise be paid to each individual direct victim claimant for non-pecuniary losses shall be reduced pro-rata in the proportion that the balance of the special purpose account bears to the total amount that would otherwise be paid to all the eligible individual direct victim claimants for non-pecuniary losses.
6. If, in the adjudicator's opinion, the payment for non-pecuniary losses to each individual direct victim claimant would be too small to justify the administrative costs of paying them, the adjudicator may decline to pay any compensation under paragraph 4 or 5.
7. If there is any balance available in the special purpose account after compensation for the pecuniary and non-pecuniary losses of individual direct victim claimants is determined under paragraphs 1 to 6, compensation for pecuniary losses of direct victim claimants who are not individuals shall be determined.

8. If, in the adjudicator's opinion, the payment for pecuniary losses to each direct victim claimant who is not an individual would be too small to justify the administrative costs of paying them, the adjudicator may decline to pay any compensation under paragraph 7.

Judicial review

9. (1) A decision of the adjudicator under section 7 or 8 is final and not subject to appeal, and shall not be altered or set aside in an application for judicial review or in any other proceeding unless the decision is patently unreasonable.

(2) An application for judicial review from a decision of the adjudicator under section 7 or 8 must be filed within 30 days after being notified of the determination that is subject to review.

Payments from other sources

10. (1) The amount that would otherwise be paid to a direct victim claimant under section 7 or 8 shall be reduced by the amount of compensation paid or payable to the claimant from any other source.

(2) If, after receiving a payment under section 7 or 8, a direct victim claimant receives a payment as compensation for some or all of the same losses from another source that was not identified in the claimant's claim or in an amount exceeding the amount identified in the claimant's claim, the claimant shall report the payment to the adjudicator, or if the adjudicator is no longer acting in respect of the special purpose account, to the Attorney General, and shall reimburse the Minister of Finance for the amount of money received from the other source that was also paid to the claimant from the special purpose account.

(3) The Minister of Finance may recover the amount of money received by a claimant from another source as compensation for the same losses for which the claimant received money as compensation from the special purpose account in any court of competent jurisdiction as a debt due to the Crown.

(4) The Minister of Finance shall deposit any reimbursed or recovered money to the special purpose account from which it had been paid.

COMPENSATING THE CROWN FOR EXPENSES (PARAGRAPH 3 OF SUBSECTION 6 (3) OF THE ACT, PARAGRAPH 3 OF SUBSECTION 11 (3) OF THE ACT, PARAGRAPH 2 OF SUBSECTION 15 (3) OF THE ACT)

Determination and payment of compensation to the Crown

11. The Attorney General shall determine the amount of compensation to be paid to compensate the Crown in right of Ontario as described in paragraph 3 of subsection 6 (3) or subsection 11 (3) or paragraph 2 of subsection 15 (3) of the Act.

COMPENSATING MUNICIPAL CORPORATIONS AND PRESCRIBED CLASSES OF PUBLIC BODIES (PARAGRAPH 4 OF SUBSECTION 6 (3) OF THE ACT, PARAGRAPH 4 OF SUBSECTION 11 (3) OF THE ACT, PARAGRAPH 3 OF SUBSECTION 15 (3) OF THE ACT)

Prescribed classes of public bodies

12. The following classes of public bodies are prescribed for the purposes of paragraph 4 of subsection 6 (3) and subsection 11 (3) and paragraph 3 of subsection 15 (3) of the Act:

1. Agencies, boards and commissions of the Government of Ontario.
2. Local boards, within the meaning of the *Municipal Affairs Act*, and agencies of municipal corporations.
3. Colleges and universities.
4. Public hospitals, within the meaning of the *Public Hospitals Act*.

Notice

13. (1) Within 30 days after determining that money remains in a special purpose account after determining the amount of compensation payable to the Crown in right of Ontario, the Attorney General shall give notice in accordance with this section.

(2) The notice shall be published in any way or ways that, in the opinion of the Attorney General or his or her designate, will bring the right to make a claim for compensation to the attention of municipal corporations and public bodies of a prescribed class that suffered pecuniary losses as a result of the unlawful activity to which the special purpose account relates and that are expenses incurred in remedying the effects of the unlawful activity.

(3) The notice shall,

- (a) identify the proceeding under the Act as a result of which the money was deposited into the special purpose account;

- (b) state that any municipal corporation or public body of a prescribed class that suffered pecuniary losses as a result of the unlawful activity that are expenses incurred in remedying the effects of the unlawful activity is entitled to make a claim for compensation;
- (c) describe the steps to be taken to make a claim;
- (d) name the final day for filing;
- (e) state that a claim that does not comply with this Regulation will be denied;
- (f) give an address and telephone number to which inquiries about potential claims may be directed;
- (g) give an address where claims should be filed;
- (h) include any other information that the Attorney General considers appropriate.

(4) If the Attorney General or his or her designate is of the opinion, having regard to the number of potential municipal corporation or public body claimants for compensation from a special purpose account and to the amount available for compensation from the account, that the payment to each municipal corporation or public body claimant would be too small to justify the administrative costs of reviewing the claims, the Attorney General or his or her designate, as the case may be, may decide that no compensation will be paid to any municipal corporation or public body claimant from the special purpose account and, in that case, the Attorney General shall not give notice in accordance with this section.

Claim

14. (1) A municipal corporation or public body claimant shall use the claim form provided by the Attorney General.

(2) The claim shall include a description of the claimant's pecuniary losses that are expenses incurred in remedying the effects of the unlawful activity and documentary evidence of the losses, including receipts and invoices.

(3) The claim shall identify any other sources from which compensation for the losses claimed by the claimant under this section has been paid or is payable to the claimant, and the amount of that compensation.

(4) The claim shall be filed on or before the final day for filing.

(5) The claimant shall revise the information required under subsection (3) as the information changes or as more such information becomes available to the claimant, even after receiving compensation from the special purpose account under section 16 or 17.

No payments until all claims are determined

15. No payments shall be made out of the special purpose account to municipal corporation or public body claimants until all the claims filed by municipal corporation and public body claimants in accordance with section 14 have been reviewed and the amount of compensation payable to each such claimant is determined under section 16 or 17.

Determination of eligibility and amount of compensation

16. (1) The Attorney General or his or her designate shall review all the municipal corporation and public body claims filed on or before the final day for filing and shall determine,

- (a) each claimant's eligibility for compensation; and
- (b) the amount of compensation to be paid to each eligible claimant.

(2) A municipal corporation or public body claimant is eligible for compensation from the special purpose account if the claim is filed in accordance with section 14 and if the Attorney General or his or her designate is satisfied by the claim that,

- (a) the claimant suffered pecuniary losses as a result of the unlawful activity that are expenses incurred in remedying the effects of the unlawful activity;
- (b) the amount of the losses can be quantified; and
- (c) full compensation for the losses has not been paid or is not payable to the claimant from other sources.

(3) In determining whether a municipal corporation or public body claimant is eligible for compensation and the amount of compensation to be paid to an eligible municipal corporation or public body claimant, the Attorney General or his or her designate shall have regard to all relevant circumstances, including any behaviour of the claimant that may have directly or indirectly contributed to the pecuniary loss.

(4) Even if a municipal corporation or public body claimant is eligible to receive compensation as determined under subsections (2) and (3), the Attorney General or his or her designate may decline to pay any compensation to the claimant if, in the opinion of the Attorney General or his or her designate,

- (a) the amount of the compensation would be too small to justify the administrative costs of paying it; or
- (b) the losses suffered by the claimant are remote from the unlawful activity.

Amount of compensation where claims exceed balance of account

17. (1) If the total amount of the compensation that would otherwise be paid to all the eligible municipal corporation and public body claimants under section 16 exceeds the balance available in the special purpose account, the amount that would otherwise be paid to each municipal corporation or public body claimant shall be reduced pro-rata in the proportion that the balance of the special purpose account bears to the total amount that would otherwise be paid to all the eligible municipal corporation and public body claimants.

(2) If, in the opinion of the Attorney General or his or her designate, the payment to each municipal corporation and public body claimant under subsection (1) would be too small to justify the administrative costs of paying them, the Attorney General or his or her designate may decline to pay any compensation under that subsection.

Judicial review

18. An application for judicial review from a decision of the Attorney General or his or her designate under this section must be filed within 30 days after being notified of the determination that is subject to review.

Payments from other sources

19. (1) The amount that would otherwise be paid to a municipal corporation or public body claimant under section 16 or 17 shall be reduced by the amount paid or payable to the claimant from any other source that provides payments related to compensation.

(2) If, after receiving a payment under section 16 or 17, a municipal corporation or public body claimant receives a payment as compensation for some or all of the same losses from another source that was not identified in the claimant's claim or in an amount exceeding the amount identified in the claimant's claim, the claimant shall report the payment to the Attorney General, and shall reimburse the Minister of Finance for the amount of money received from the other source that was also paid to the claimant from the special purpose account.

(3) The Minister of Finance may recover the amount of money received by a claimant from another source as compensation for the same losses for which the claimant received money as compensation from the special purpose account in any court of competent jurisdiction as a debt due to the Crown.

(4) The Minister of Finance shall deposit any reimbursed or recovered money to the special purpose account from which it had been paid.

ASSISTING VICTIMS, PREVENTING UNLAWFUL ACTIVITIES (PARAGRAPH 2 OF SUBSECTION 6 (3) OF THE ACT, PARAGRAPH 2 OF SUBSECTION 11 (3) OF THE ACT, PARAGRAPH 1 OF SUBSECTION 15 (3) OF THE ACT)

Grants

20. (1) The Attorney General may pay grants out of a special purpose account to any person or organization in order to assist victims of unlawful activities and to prevent unlawful activities that result in victimization.

(2) The Attorney General shall establish criteria and guidelines for the payment of the grants, including the eligibility of persons and organizations to receive grants.

COMMENCEMENT

Commencement

21. This Regulation comes into force on the later of the day it is filed and July 1, 2003.

RÈGLEMENT DE L'ONTARIO 233/03

pris en application de la

LOI DE 2001 SUR LES RECOURS POUR CRIME ORGANISÉ ET AUTRES ACTIVITÉS ILLÉGALES

pris le 4 juin 2003
déposé le 6 juin 2003

PRÉLÈVEMENTS SUR LES COMPTES SPÉCIAUX

DISPOSITIONS GÉNÉRALES

Définitions

1. Les définitions qui suivent s'appliquent au présent règlement.

«arbitre» Personne que le lieutenant-gouverneur en conseil nomme en application de l'article 3. («adjudicator»)

«compte spécial» Compte constitué en application de l'article 6, 11 ou 15 de la Loi. («special purpose account»)

«échéance de production» La date indiquée dans un avis publié en application de l'article 4 ou 12, à laquelle, au plus tard, toutes les demandes d'indemnisation découlant de l'avis doivent être produites. («final day for filing»)

«victime directe» Personne qui a subi des pertes pécuniaires ou extrapécuniaires, y compris les pertes recouvrables en vertu de la partie V de la *Loi sur le droit de la famille*, par suite d'activités illégales. («direct victim»)

Ordre de priorité des prélèvements sur les comptes spéciaux

2. (1) Les prélèvements sur un compte spécial constitué en application de l'article 6 ou 11 de la Loi se font de la manière suivante :

1. Premièrement, aux fins de l'indemnisation des victimes directes de l'activité illégale, conformément aux articles 3 à 10.
2. S'il reste des fonds après les paiements effectués en application de la disposition 1, ou s'il n'en est effectué aucun, aux fins de l'indemnisation de la Couronne du chef de l'Ontario, conformément à l'article 11.
3. S'il reste des fonds après le paiement effectué en application de la disposition 2, ou s'il n'en est effectué aucun, aux fins de l'indemnisation des municipalités ou des organismes publics d'une catégorie prescrite, conformément aux articles 12 à 19.
4. S'il reste des fonds après les paiements effectués en application de la disposition 3, ou s'il n'en est effectué aucun, aux fins de l'aide aux victimes d'activités illégales ou de la prévention d'activités illégales, conformément à l'article 20.

(2) Les prélèvements sur un compte spécial constitué en application de l'article 15 de la Loi se font de la manière suivante :

1. Premièrement, aux fins de l'indemnisation de la Couronne du chef de l'Ontario, conformément à l'article 11.
2. S'il reste des fonds après le paiement effectué en application de la disposition 1, ou s'il n'en est effectué aucun, aux fins de l'indemnisation des municipalités ou des organismes publics d'une catégorie prescrite, conformément aux articles 12 à 19.
3. S'il reste des fonds après les paiements effectués en application de la disposition 2, ou s'il n'en est effectué aucun, aux fins de l'aide aux victimes d'activités illégales ou de la prévention d'activités illégales, conformément à l'article 20.

(3) Les sommes déposées dans un compte spécial après que des indemnités ont été fixées ou versées en application d'une disposition du paragraphe (1) ou (2) doivent être affectées aux prélèvements sur le compte visés aux dispositions qui la suivent. Toutefois, elles ne doivent pas être affectées aux prélèvements visés aux dispositions en application desquelles des indemnités ont déjà été fixées ou versées, entrer dans le calcul de ces indemnités ni servir à les modifier. Par exemple, les sommes qui sont déposées dans un compte spécial après que des indemnités ont été fixées en application de la disposition 1 du paragraphe (1) sont affectées aux prélèvements sur le compte visés à la disposition 2, 3 ou 4 de ce paragraphe, mais ne doivent pas entrer dans le calcul des indemnités visées à la disposition 1 du même paragraphe ni y être affectées.

INDEMNISATION DES VICTIMES DIRECTES D'ACTIVITÉS ILLÉGALES (DISPOSITION 1 DU PARAGRAPHE 6 (3) DE LA LOI, DISPOSITION 1 DU PARAGRAPHE 11 (3) DE LA LOI)

Arbitre

3. (1) Le lieutenant-gouverneur en conseil peut nommer une ou plusieurs personnes pour agir comme arbitre des demandes présentées par des victimes directes en vertu du présent règlement.

(2) L'arbitre touche la rémunération et les indemnités que fixe le lieutenant-gouverneur en conseil.

(3) Le procureur général peut nommer un ou plusieurs employés de son ministère pour aider l'arbitre à s'acquitter des fonctions que lui attribue le présent règlement.

Avis

4. (1) Le procureur général donne un avis conformément au présent article au plus tard un an après le premier dépôt d'une somme dans un compte spécial.

(2) L'avis est publié dans la *Gazette de l'Ontario* et peut également être publié de toute autre façon qui, de l'avis du procureur général ou de la personne qu'il désigne, portera le droit de demander une indemnité à l'attention des victimes directes de l'activité illégale à laquelle se rapporte le compte spécial.

(3) L'avis :

- a) précise l'instance prévue par la Loi à l'issue de laquelle la somme a été déposée dans le compte spécial;

- b) indique que toute personne qui a subi des pertes pécuniaires ou extrapécuniaires par suite de l'activité illégale à l'égard de laquelle l'instance a été introduite a le droit de demander une indemnité;
- c) décrit les étapes à suivre pour présenter une demande;
- d) fixe l'échéance de production, laquelle ne doit pas tomber moins de six mois après la date de sa publication initiale dans la *Gazette de l'Ontario* ou plus de neuf mois après cette date;
- e) indique qu'une demande qui n'est pas conforme au présent règlement sera rejetée;
- f) indique l'adresse et le numéro de téléphone auxquels les demandes de renseignements visant des demandes éventuelles peuvent être présentées;
- g) indique l'adresse où les demandes doivent être produites;
- h) comprend les autres renseignements que le procureur général estime utiles.

(4) Si le procureur général ou la personne qu'il désigne est d'avis, eu égard au nombre de victimes directes qui pourraient présenter des demandes d'indemnisation sur un compte spécial ou aux fonds disponibles à cette fin, que le montant de l'indemnité revenant à chaque victime directe qui présente une demande serait trop petit pour justifier les frais d'administrations liés au règlement des demandes, l'un ou l'autre, selon le cas, peut décider qu'aucune indemnité ne sera prélevée sur le compte spécial pour être versée aux victimes directes qui présentent des demandes, auquel cas le procureur général ne doit pas donner l'avis prévu au présent article.

Demande

5. (1) La victime directe qui présente une demande utilise la formule de demande que fournit le procureur général.
- (2) La demande comprend une description des pertes pécuniaires subies par son auteur, preuves documentaires, notamment reçus et factures, à l'appui.
- (3) Si la demande vise également des pertes extrapécuniaires subies par son auteur, elle en comprend la description, preuves documentaires à l'appui.
- (4) La demande précise les autres sources qui ont versé ou doivent verser à son auteur des indemnités pour les pertes dont il demande à être indemnisé en vertu du présent article, ainsi que le montant de ces indemnités.
- (5) La demande est produite au plus tard à l'échéance de production.
- (6) L'auteur de la demande révisé les renseignements exigés au paragraphe (4) à mesure qu'ils évoluent ou qu'il en apprend de nouveaux, même après avoir reçu une indemnité prélevée sur le compte spécial en application de l'article 7 ou 8.

Aucun paiement avant le règlement de toutes les demandes

6. Aucune somme prélevée sur le compte spécial ne doit être versée aux victimes directes qui présentent une demande avant le règlement de toutes les demandes qu'elles ont produites conformément à l'article 5 et la fixation, en application de l'article 7 ou 8, du montant de l'indemnité accordée à chaque auteur d'une demande.

Admissibilité et montant de l'indemnité

7. (1) L'arbitre examine toutes les demandes que des victimes directes ont produites au plus tard à l'échéance de production et :
 - a) d'une part, établit l'admissibilité à une indemnité de chaque victime directe qui présente une demande;
 - b) d'autre part, fixe le montant de l'indemnité à verser à chaque victime directe admissible qui présente une demande.
- (2) La victime directe qui présente une demande est admissible à une indemnité prélevée sur le compte spécial si la demande est produite conformément à l'article 5 et que celle-ci et les autres renseignements obtenus par l'arbitre en vertu de l'article 19 de la Loi le convainquent de ce qui suit :
 - a) l'auteur de la demande a subi des pertes pécuniaires ou extrapécuniaires par suite de l'activité illégale;
 - b) les pertes peuvent être quantifiées;
 - c) d'autres sources n'ont pas indemnisé intégralement l'auteur de la demande des pertes qu'il a subies ni ne doivent le faire.
- (3) Lorsqu'il établit l'admissibilité à une indemnité d'une victime directe qui présente une demande et qu'il fixe le montant de l'indemnité à verser à une telle victime qui est admissible, l'arbitre tient compte de toutes les circonstances pertinentes, y compris tout comportement de l'auteur de la demande qui peut avoir contribué directement ou indirectement aux pertes qu'il a subies ou à l'activité illégale.
- (4) Même si la victime directe qui présente une demande est admissible à une indemnité fixée en application des paragraphes (2) et (3), l'arbitre peut refuser de la lui verser si, à son avis :
 - a) soit le montant de l'indemnité serait trop petit pour justifier les frais d'administration liés à son versement;

- b) soit le lien entre les pertes subies par l'auteur de la demande et l'activité illégale est ténu.

Montant de l'indemnité lorsque les demandes sont supérieures au solde du compte

8. Si le montant total des indemnités qui seraient versées par ailleurs, en application de l'article 7, aux victimes directes admissibles qui présentent une demande est supérieur au solde du compte spécial, les indemnités sont fixées et versées comme suit :

1. Les indemnités pour pertes pécuniaires subies par des victimes directes qui présentent une demande et qui sont des particuliers sont fixées en premier.
2. Si le montant total des indemnités pour pertes pécuniaires qui seraient versées par ailleurs aux victimes directes admissibles qui présentent une demande et qui sont des particuliers est supérieur au solde du compte spécial, l'indemnité pour pertes pécuniaires qui serait versée par ailleurs à chaque victime directe qui présente une demande et qui est un particulier est réduite proportionnellement selon le rapport qui existe entre le solde et ce montant.
3. L'arbitre peut refuser de verser les indemnités visées à la disposition 1 ou 2 s'il est d'avis que l'indemnité pour pertes pécuniaires versée à chaque victime directe qui présente une demande et qui est un particulier serait trop petite pour justifier les frais d'administration liés à son versement.
4. Les indemnités pour pertes extrapécuniaires subies par des victimes directes qui présentent une demande et qui sont des particuliers sont fixées si le compte spécial affiche un solde après que les indemnités pour pertes pécuniaires ont été fixées en application de la disposition 1 ou 2.
5. Si le montant total des indemnités pour pertes extrapécuniaires qui seraient versées par ailleurs aux victimes directes admissibles qui présentent une demande et qui sont des particuliers est supérieur au solde du compte spécial après le versement des indemnités pour pertes pécuniaires visées à la disposition 1 ou 2, l'indemnité pour pertes extrapécuniaires qui serait versée par ailleurs à chaque victime directe qui présente une demande et qui est un particulier est réduite proportionnellement selon le rapport qui existe entre le solde et ce montant.
6. L'arbitre peut refuser de verser les indemnités visées à la disposition 4 ou 5 s'il est d'avis que l'indemnité pour pertes extrapécuniaires versée à chaque victime directe qui présente une demande et qui est un particulier serait trop petite pour justifier les frais d'administration liés à son versement.
7. Les indemnités pour pertes pécuniaires subies par des victimes directes qui présentent une demande et qui ne sont pas des particuliers sont fixées si le compte spécial affiche un solde après que les indemnités pour pertes pécuniaires et extrapécuniaires subies par les victimes directes qui présentent une demande et qui sont des particuliers ont été fixées en application des dispositions 1 à 6.
8. L'arbitre peut refuser de verser les indemnités visées à la disposition 7 s'il est d'avis que l'indemnité pour pertes pécuniaires versée à chaque victime directe qui présente une demande et qui n'est pas un particulier serait trop petite pour justifier les frais d'administration liés à son versement.

Requête en révision judiciaire

9. (1) Les décisions que l'arbitre prend en application de l'article 7 ou 8 sont définitives, ne sont pas susceptibles d'appel et ne doivent pas être modifiées ni annulées dans le cadre d'une requête en révision judiciaire ou de toute autre instance à moins d'être manifestement déraisonnables.

(2) La requête en révision judiciaire d'une décision que l'arbitre prend en application de l'article 7 ou 8 doit être déposée au plus tard 30 jours après la remise de l'avis de la décision en cause.

Paiements provenant d'autres sources

10. (1) L'indemnité qui serait versée par ailleurs, en application de l'article 7 ou 8, à la victime directe qui présente une demande est réduite de l'indemnité que toute autre source lui a versée ou doit lui verser.

(2) La victime directe qui a présenté une demande et qui, après avoir reçu un versement en application de l'article 7 ou 8, est indemnisée pour la totalité ou une partie des mêmes pertes par une autre source que ne précise pas la demande ou selon un montant supérieur à celui qui y est précisé en informe l'arbitre, ou, s'il n'agit plus à l'égard du compte spécial, le procureur général, et rembourse au ministre des Finances la somme reçue de l'autre source qui lui a également été versée par prélèvement sur le compte spécial.

(3) Le ministre des Finances peut recouvrer devant un tribunal compétent, à titre de créance de la Couronne, la somme que l'auteur d'une demande a reçue d'une autre source en indemnisation des pertes à l'égard desquelles il a reçu une indemnité prélevée sur le compte spécial.

(4) Le ministre des Finances dépose le montant de toute somme remboursée ou recouvrée dans le compte spécial sur lequel elle a été prélevée.

INDEMNISATION DE LA COURONNE À L'ÉGARD DE FRAIS
(DISPOSITION 3 DU PARAGRAPHE 6 (3) DE LA LOI,
DISPOSITION 3 DU PARAGRAPHE 11 (3) DE LA LOI,
DISPOSITION 2 DU PARAGRAPHE 15 (3) DE LA LOI)

Fixation de l'indemnité et versement à la Couronne

11. Le procureur général fixe l'indemnité à verser à la Couronne du chef de l'Ontario en application de la disposition 3 du paragraphe 6 (3) ou du paragraphe 11 (3) ou la disposition 2 du paragraphe 15 (3) de la Loi.

INDEMNISATION DES MUNICIPALITÉS
SET DES CATÉGORIES PRESCRITES D'ORGANISMES PUBLICS
(DISPOSITION 4 DU PARAGRAPHE 6 (3) DE LA LOI,
DISPOSITION 4 DU PARAGRAPHE 11 (3) DE LA LOI,
DISPOSITION 3 DU PARAGRAPHE 15 (3) DE LA LOI)

Catégories prescrites d'organismes publics

12. Les catégories suivantes d'organismes publics sont prescrites pour l'application de la disposition 4 du paragraphe 6 (3) et du paragraphe 11 (3) et de la disposition 3 du paragraphe 15 (3) de la Loi :

1. Les organismes, conseils, commissions et régies du gouvernement de l'Ontario.
2. Les conseils locaux, au sens de la *Loi sur les affaires municipales*, et les organismes des municipalités.
3. Les collèges et les universités.
4. Les hôpitaux publics, au sens de la *Loi sur les hôpitaux publics*.

Avis

13. (1) Le procureur général donne un avis conformément au présent article au plus tard 30 jours après avoir établi qu'il reste des fonds dans un compte spécial une fois que l'indemnité payable à la Couronne du chef de l'Ontario a été fixée.

(2) L'avis est publié de toute façon qui, de l'avis du procureur général ou de la personne qu'il désigne, portera le droit de demander une indemnité à l'attention des municipalités et des organismes publics d'une catégorie prescrite qui ont subi, par suite de l'activité illégale à laquelle se rapporte le compte spécial, des pertes pécuniaires qui constituent des frais engagés pour remédier aux effets de l'activité illégale.

(3) L'avis :

- a) précise l'instance prévue par la Loi à l'issue de laquelle la somme a été déposée dans le compte spécial;
- b) indique que toute municipalité ou tout organisme public d'une catégorie prescrite qui a subi, par suite de l'activité illégale, des pertes pécuniaires qui constituent des frais engagés pour remédier aux effets de l'activité illégale a le droit de demander une indemnité;
- c) décrit les étapes à suivre pour présenter une demande;
- d) fixe l'échéance de production;
- e) indique qu'une demande qui n'est pas conforme au présent règlement sera rejetée;
- f) indique l'adresse et le numéro de téléphone auxquels les demandes de renseignements visant des demandes éventuelles peuvent être présentées;
- g) indique l'adresse où les demandes doivent être produites;
- h) comprend les autres renseignements que le procureur général estime utiles.

(4) Si le procureur général ou la personne qu'il désigne est d'avis, eu égard au nombre de municipalités ou d'organismes publics qui pourraient présenter des demandes d'indemnisation sur un compte spécial ou aux fonds disponibles à cette fin, que la somme versée à chaque municipalité ou organisme public qui présente une demande serait trop petite pour justifier les frais d'administration liés à l'examen des demandes, l'un ou l'autre, selon le cas, peut décider qu'aucune indemnité ne sera prélevée sur le compte spécial pour être versée aux municipalités ou organismes publics qui présentent des demandes, auquel cas le procureur général ne doit pas donner l'avis prévu au présent article.

Demande

14. (1) La municipalité ou l'organisme public qui présente une demande utilise la formule de demande que fournit le procureur général.

(2) La demande comprend une description des pertes pécuniaires subies par son auteur qui constituent des frais engagés pour remédier aux effets de l'activité illégale, preuves documentaires, notamment reçus et factures, à l'appui.

(3) La demande précise les autres sources qui ont versé ou doivent verser à son auteur des indemnités pour les pertes dont il demande à être indemnisé en vertu du présent article, ainsi que le montant de ces indemnités.

(4) La demande est produite au plus tard à l'échéance de production.

(5) L'auteur de la demande révisé les renseignements exigés au paragraphe (3) à mesure qu'ils évoluent ou qu'il en apprend de nouveaux, même après avoir reçu une indemnité prélevée sur le compte spécial en application de l'article 16 ou 17.

Aucun paiement avant le règlement de toutes les demandes

15. Aucune somme prélevée sur le compte spécial ne doit être versée aux municipalités ou organismes publics qui présentent une demande avant la fin de l'examen de toutes les demandes qu'elles ou ils ont produites conformément à l'article 14 et la fixation, en application de l'article 16 ou 17, du montant de l'indemnité accordée à chaque auteur d'une demande.

Admissibilité et montant de l'indemnité

16. (1) Le procureur général ou la personne qu'il désigne examine toutes les demandes que des municipalités et des organismes publics ont produites au plus tard à l'échéance de production et :

- a) d'une part, établit l'admissibilité à une indemnité de chaque auteur d'une demande;
- b) d'autre part, fixe le montant de l'indemnité à verser à chaque auteur d'une demande admissible.

(2) La municipalité ou l'organisme public qui présente une demande est admissible à une indemnité prélevée sur le compte spécial si la demande est produite conformément à l'article 14 et qu'elle convainc le procureur général ou la personne qu'il désigne de ce qui suit :

- a) l'auteur de la demande a subi, par suite de l'activité illégale, des pertes pécuniaires qui constituent des frais engagés pour remédier aux effets de l'activité illégale;
- b) les pertes peuvent être quantifiées;
- c) d'autres sources n'ont pas indemnisé intégralement l'auteur de la demande des pertes qu'il a subies ni ne doivent le faire.

(3) Lorsqu'il établit l'admissibilité à une indemnité d'une municipalité ou d'un organisme public qui présente une demande et qu'il fixe le montant de l'indemnité à verser à une telle municipalité ou à un tel organisme public qui est admissible, le procureur général ou la personne qu'il désigne tient compte de toutes les circonstances pertinentes, y compris tout comportement de l'auteur de la demande qui peut avoir contribué directement ou indirectement aux pertes pécuniaires.

(4) Même si la municipalité ou l'organisme public qui présente une demande est admissible à une indemnité fixée en application des paragraphes (2) et (3), le procureur général ou la personne qu'il désigne peut refuser de la lui verser si, à son avis :

- a) soit le montant de l'indemnité serait trop petit pour justifier les frais d'administration liés à son versement;
- b) soit le lien entre les pertes subies par l'auteur de la demande et l'activité illégale est ténu.

Montant de l'indemnité lorsque les demandes sont supérieures au solde du compte

17. (1) Si le montant total des indemnités qui seraient versées par ailleurs, en application de l'article 16, aux municipalités et organismes publics admissibles qui présentent une demande est supérieur au solde du compte spécial, l'indemnité qui serait versée par ailleurs à chaque municipalité ou organisme public qui présente une demande est réduite proportionnellement selon le rapport qui existe entre le solde et ce montant.

(2) Le procureur général ou la personne qu'il désigne peut refuser de verser les indemnités visées au paragraphe (1) s'il est d'avis que l'indemnité versée, en application de ce paragraphe, à chaque municipalité et organisme public qui présentent une demande serait trop petite pour justifier les frais d'administration liés à son versement.

Requête en révision judiciaire

18. La requête en révision judiciaire d'une décision que le procureur général ou la personne qu'il désigne prend en application du présent article doit être déposée au plus tard 30 jours après la remise de l'avis de la décision en cause.

Paiements provenant d'autres sources

19. (1) L'indemnité qui serait versée par ailleurs, en application de l'article 16 ou 17, à la municipalité ou l'organisme public qui présente une demande est réduite de l'indemnité que toute autre source qui verse des indemnités lui a versée ou doit lui verser.

(2) La municipalité ou l'organisme public qui a présenté une demande et qui, après avoir reçu un versement en application de l'article 16 ou 17, est indemnisé pour la totalité ou une partie des mêmes pertes par une autre source que ne précise pas la demande ou selon un montant supérieur à celui qui y est précisé en informe le procureur général et rembourse au ministre des Finances la somme reçue de l'autre source qui lui a également été versée par prélèvement sur le compte spécial.

(3) Le ministre des Finances peut recouvrer devant un tribunal compétent, à titre de créance de la Couronne, la somme que l'auteur d'une demande a reçue d'une autre source en indemnisation des pertes à l'égard desquelles il a reçu une indemnité prélevée sur le compte spécial.

(4) Le ministre des Finances dépose le montant de toute somme remboursée ou recouvrée dans le compte spécial sur lequel elle a été prélevée.

AIDE AUX VICTIMES ET PRÉVENTION DES ACTIVITÉS ILLÉGALES
(DISPOSITION 2 DU PARAGRAPHE 6 (3) DE LA LOI,
DISPOSITION 2 DU PARAGRAPHE 11 (3) DE LA LOI,
DISPOSITION 1 DU PARAGRAPHE 15 (3) DE LA LOI)

Fonds

20. (1) Le procureur général peut prélever des fonds sur un compte spécial pour verser des subventions à toute personne ou tout organisme afin d'aider les victimes d'activités illégales et pour prévenir des activités illégales qui entraînent la victimisation.

(2) Le procureur général établit des critères et des lignes directrices qui régissent le versement des subventions, notamment l'admissibilité de personnes et d'organismes.

ENTRÉE EN VIGUEUR

Entrée en vigueur

21. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du 1^{er} juillet 2003.

25/03

ONTARIO REGULATION 234/03

made under the

**REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL
ACTIVITIES ACT, 2001**

Made: June 4, 2003

Filed: June 6, 2003

Amending O. Reg. 91/02
(General)

Note: Ontario Regulation 91/02 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 91/02 is amended by adding the following French version:

DISPOSITIONS GÉNÉRALES

ORDONNANCE DE PAIEMENT DES FRAIS JURIDIQUES CONCERNANT UN BIEN FAISANT
L'OBJET D'UNE ORDONNANCE INTERLOCUTOIRE
(ARTICLES 5 ET 10 DE LA LOI)

Fin prescrite

1. L'ordonnance visée à l'article 5 ou 10 de la Loi ne peut s'appliquer qu'aux frais juridiques raisonnables engagés dans le cadre d'une instance prévue par la Loi en vue de faire reconnaître un intérêt sur un bien.

Financement

2. Lorsque la Cour supérieure de justice rend une ordonnance de paiement des frais juridiques raisonnables en vertu de l'article 5 ou 10 de la Loi, elle peut également modifier l'ordonnance interlocutoire rendue en vertu de l'article 4 ou 9 de la Loi, selon le cas, pour permettre au procureur général de convertir le bien en argent afin de respecter l'ordonnance de paiement.

Limites pécuniaires

3. Les paiements prévus par une ordonnance visée à l'article 5 ou 10 de la Loi et concernant un bien qui fait l'objet d'une instance sont assujettis aux limites pécuniaires suivantes :

1. Le montant maximal qui peut être affecté au paiement des frais juridiques raisonnables figure à la colonne 2 du tableau du présent article, en regard du montant de la colonne 1 qui s'applique au bien.
2. Le montant visé à la disposition 1 est le maximum dont peuvent se prévaloir toutes les personnes qui revendiquent un intérêt sur le même bien.
3. Ne constituent des frais juridiques que les honoraires d'avocat, les débours, les honoraires pour les services des clercs, stagiaires et enquêteurs ainsi que les frais de déplacement.
4. Les honoraires d'avocat sont calculés selon le nombre d'heures travaillées que le tribunal juge raisonnable et en fonction du taux horaire indiqué dans la partie 1 de l'annexe 2 du Règlement de l'Ontario 107/99 pris en application de la *Loi de 1998 sur les services d'aide juridique*.
5. Les frais de déplacement sont calculés conformément au numéro 23 de la partie IV de l'annexe 2 du règlement visé à la disposition 4, avec les adaptations nécessaires.
6. Les honoraires pour les services sont calculés selon le nombre d'heures travaillées que le tribunal juge raisonnable et en fonction du taux horaire indiqué dans l'annexe 3 du règlement visé à la disposition 4.
7. Les débours sont calculés conformément à l'annexe 6 du règlement visé à la disposition 4, avec les adaptations nécessaires.

TABLEAU

Colonne 1	Colonne 2
Montant total détenu (bien qui est une somme d'argent ou qui a été converti en somme d'argent)	Maximum pouvant être affecté aux frais juridiques raisonnables
99,99 \$ et moins	Zéro
De 100 \$ à 100 000 \$, exclusivement	25 pour cent du total
De 100 000 \$ à 1 000 000 \$, exclusivement	25 000 \$ + 15 pour cent (le total – 1 000 \$)
1 000 000 \$ et plus	160 000 \$ + 10 pour cent (le total – 1 000 000 \$)

AVIS PUBLIC CONCERNANT UNE INSTANCE FONDÉE SUR UN COMLOT
(ARTICLE 13 DE LA LOI)

Avis

4. (1) Dès qu'il introduit une instance en application de l'article 13 de la Loi, le procureur général en publie un avis dans la *Gazette de l'Ontario* et dans le *Recueil de jurisprudence de l'Ontario*.

(2) Le procureur général peut également publier l'avis de toute autre façon qui portera l'instance à l'attention du public.

(3) Le procureur général peut, par motion avec préavis, demander des directives à la Cour supérieure de justice pour l'application du paragraphe (2).

RENSEIGNEMENTS PERSONNELS
(ARTICLE 19 DE LA LOI)

Organisme d'examen

5. Pour l'application des paragraphes 19 (4) et (5) de la Loi, l'organisme d'examen est le conseiller en confiscation du Bureau des avocats de la Couronne — Droit criminel du ministère du Procureur général.

Institutions, catégories de personnes et circonstances

6. (1) Les institutions indiquées à la colonne 1 du tableau du présent article sont prescrites pour l'application de la disposition 1 du paragraphe 19 (4) de la Loi.

(2) Les catégories de personnes indiquées à la colonne 2 du tableau du présent article sont prescrites pour l'application de la disposition 2 du paragraphe 19 (4) de la Loi.

(3) Les circonstances indiquées à la colonne 3 du tableau du présent article sont prescrites pour l'application de la disposition 3 du paragraphe 19 (4) de la Loi.

TABLEAU

Numéro	Colonne 1	Colonne 2	Colonne 3
	Institution	Catégorie de personnes	Circonstances
1.	Ministère de l'Agriculture et de l'Alimentation	Les employés de l'institution nommés directeurs, sous-directeurs, inspecteurs en chef et inspecteurs pour l'application des lois suivantes : <i>Loi sur les animaux destinés à la recherche</i> <i>Loi sur la commercialisation des bovins de boucherie</i> <i>Loi sur les cadavres d'animaux</i> <i>La sur le classement et la vente des produits agricoles</i> <i>Loi sur le bétail et les produits de bétail</i> <i>Loi sur la vente à l'encan du bétail</i> <i>Loi sur les médicaments pour le bétail</i> <i>Loi sur l'inspection des viandes (Ontario)</i>	Dans le cadre de l'emploi
2.	Ministère de l'Agriculture et de l'Alimentation	Les vétérinaires nommés inspecteurs pour l'application de la <i>Loi sur la vente à l'encan du bétail</i> , qui ne sont pas des employés de l'institution	L'exercice des fonctions et des pouvoirs
3.	Ministère de l'Agriculture et de l'Alimentation	Les inspecteurs nommés pour l'application de la <i>Loi sur l'inspection des viandes (Ontario)</i> qui ne sont pas des employés de l'institution	L'exercice des fonctions et des pouvoirs
4.	Ministère de l'Agriculture et de l'Alimentation	Les employés de l'institution nommés directeurs et sous-directeurs pour l'application de la <i>Loi sur le lait</i>	Dans le cadre de l'emploi
5.	Ministère de l'Agriculture et de l'Alimentation	Les employés de l'institution nommés inspecteurs itinérants pour l'application de la <i>Loi sur le lait</i>	Dans le cadre de l'emploi
6.	Ministère de l'Agriculture et de l'Alimentation	Les inspecteurs itinérants nommés pour l'application de la <i>Loi sur le lait</i> par un directeur nommé par le ministre, qui ne sont pas des employés de l'institution	L'exercice des fonctions et des pouvoirs
7.	Ministère de l'Agriculture et de l'Alimentation	Les employés de l'institution qui sont des inspecteurs et inspecteurs en chef nommés pour l'application de la <i>Loi sur les produits oléagineux comestibles</i>	Dans le cadre de l'emploi
8.	Ministère de l'Agriculture et de l'Alimentation	Les analystes nommés pour l'application de la <i>Loi sur les produits oléagineux comestibles</i> qui ne sont pas des employés de l'institution	L'exercice des fonctions et des pouvoirs
9.	Commission de protection financière des éleveurs de bétail	Les personnes qui agissent comme secrétaire de la Commission	L'exercice des fonctions de secrétaire de la Commission
10.	Commission de protection financière des producteurs de céréales	Les personnes qui agissent comme secrétaire de la Commission	L'exercice des fonctions de secrétaire de la Commission
11.	Ministère des Affaires civiques	Les sous-ministres adjoints	Dans le cadre de l'emploi
12.	Ministère des Services aux consommateurs et aux entreprises	Les enquêteurs	Dans le cadre de l'emploi
13.	Commission des alcools et des jeux de l'Ontario	Le commandant de bureau — Bureau des enquêtes et de l'application de la loi	Dans le cadre de l'emploi
14.	Ministère de l'Éducation	Les sous-ministres adjoints	Dans le cadre de l'emploi
15.	Ministère de l'Environnement et de l'Énergie	Les inspecteurs désignés en vertu de la <i>Loi sur le rendement énergétique</i>	Dans le cadre de l'emploi
16.	Ministère de l'Environnement et de l'Énergie	Le sous-ministre adjoint — Division de l'énergie	Dans le cadre de l'emploi
17.	Ministère de l'Environnement et de l'Énergie	Les inspecteurs, les enquêteurs et le personnel chargé de l'application de la loi	Dans le cadre de l'emploi
18.	Ministère de l'Environnement et de l'Énergie	Les directeurs nommés en vertu des lois suivantes : <i>La Loi sur les évaluations environnementales</i> <i>La Loi sur la protection de l'environnement</i> <i>La Loi sur les ressources en eau de l'Ontario</i> <i>La Loi sur les pesticides</i>	Dans le cadre de l'emploi

Numéro	Colonne 1 Institution	Colonne 2 Catégorie de personnes	Colonne 3 Circonstances
19.	Société indépendante de gestion du marché de l'électricité	Les dirigeants, les administrateurs et les membres du comité de surveillance du marché	Dans le cadre de l'emploi ou dans l'exercice des fonctions d'administrateur et de membre
20.	Commission de l'énergie de l'Ontario	Les inspecteurs et les enquêteurs	Dans le cadre de l'emploi
21.	Commission de l'énergie de l'Ontario	Le directeur des permis et tous les autres employés liés à l'octroi des permis	Dans le cadre de l'emploi
22.	Commission des services financiers de l'Ontario	Tous les employés et mandataires	Dans le cadre du suivi, des examens ou des enquêtes liés à la conformité aux lois administrées par l'institution Dans le cadre de l'administration du Fonds d'indemnisation des victimes d'accidents de véhicules automobiles
23.	Secrétariat du Conseil de gestion	Le sous-ministre adjoint — Division des services internes du ministère	Dans le cadre de l'emploi
24.	Société immobilière de l'Ontario	Le directeur financier	Dans le cadre de l'emploi
25.	Ministère des Ressources naturelles	Le directeur de l'application des règlements Le chef — Unité des évaluations et des services spéciaux Le chef — Unité des services sur le terrain	Dans le cadre de l'emploi
26.	Ministère de la Sûreté et de la Sécurité publique	Les personnes qui sont des agents de police au sens de la <i>Loi sur les services policiers</i>	Dans le cadre de l'emploi
27.	Ministère de la Sûreté et de la Sécurité publique	Le directeur — Service de renseignements criminels Ontario	Dans le cadre de l'emploi
28.	Ministère de la Sûreté et de la Sécurité publique	Les agents des services correctionnels, les agents de probation, les agents de libération conditionnelle et les enquêteurs spéciaux	Dans le cadre de l'emploi
29.	Ministère de la Formation, des Collèges et des Universités	Les sous-ministres adjoints	Dans le cadre de l'emploi
30.	Ministère des Transports	Les agents d'exécution des règlements de la route	Dans le cadre de l'emploi
31.	Ministère des Transports	Les inspecteurs de la sécurité des transporteurs routiers	Dans le cadre de l'emploi
32.	Ministère des Transports	Les administrateurs des vérifications des installations	Dans le cadre de l'emploi
33.	Ministère des Transports	Les conseillers en application des lois relatives aux transporteurs	Dans le cadre de l'emploi
34.	Ministère des Transports	Les chefs d'équipe	Dans le cadre de l'emploi
35.	Ministère des Transports	Les coordonnateurs régionaux de l'application des lois	Dans le cadre de l'emploi
36.	Ministère des Transports	Les chefs de secteur — Immatriculation et permis de conduire	Dans le cadre de l'emploi
37.	Ministère des Transports	Les agents d'administration des tribunaux	Dans le cadre de l'emploi
38.	Ministère des Transports	Le chef de l'application des normes relatives au programme du BSET	Dans le cadre de l'emploi
39.	Ministère des Transports	Les administrateurs de l'évaluation de la sécurité des transporteurs	Dans le cadre de l'emploi
40.	Ministère des Transports	Les analystes de l'immatriculation UVU	Dans le cadre de l'emploi
41.	Ministère des Transports	Les coordonnateurs des examens de conduite	Dans le cadre de l'emploi
42.	Ministère des Transports	Les superviseurs des centres d'examen de conduite	Dans le cadre de l'emploi
43.	Ministère des Transports	Les administrateurs des bureaux de délivrance	Dans le cadre de l'emploi
44.	Ministère des Transports	Les registrateurs adjoints des véhicules automobiles	Dans le cadre de l'emploi
45.	Toute institution visée par la <i>Loi sur l'accès à l'information municipale et la protection de la vie privée</i>	Les personnes qui sont des agents de police au sens de la <i>Loi sur les services policiers</i>	Dans le cadre de l'emploi

Conditions

7. Les conditions suivantes sont prescrites pour l'application du paragraphe 19 (5) de la Loi :

1. Les dispositions 1, 2 et 3 du paragraphe 19 (4) de la Loi ont été respectées.

2. Le paragraphe 19 (8) de la Loi a été respecté.
3. Il est raisonnable de croire que les renseignements divulgués seraient utiles à une fin prévue au paragraphe 19 (1) de la Loi.
4. L'intérêt public l'emporte sur le droit de la personne concernée par les renseignements à la protection de sa vie privée, compte tenu de ce qui suit :
 - i. les objets énoncés à l'article 1 de la Loi;
 - ii. l'importance de respecter les rapports dont le caractère privilégié est reconnu par la loi;
 - iii. l'espoir raisonnable de la personne que la confidentialité des renseignements sera préservée;
 - iv. tout autre facteur que l'organisme d'examen juge pertinent.

25/03

ONTARIO REGULATION 235/03

made under the

PROHIBITING PROFITING FROM RECOUNTING CRIMES ACT, 2002

Made: June 4, 2003

Filed: June 6, 2003

GENERAL

DEFINITION OF AGENT (SECTION 2 OF ACT)

Substantial connection

1. For the purpose of clause (c) of the definition of "agent" in section 2 of the Act, a person convicted of or charged with a designated crime has a substantial connection to a corporation if,

- (a) the person has a beneficial interest in the corporation;
- (b) the person exercises or may exercise control either directly or indirectly over the corporation; or
- (c) the person has provided or received financing either directly or indirectly to or from the corporation.

DEFINITION OF DESIGNATED CRIME (SECTION 2 OF ACT)

Serious property offences

2. For the purpose of clause (c) of the definition of "designated crime" in section 2 of the Act, the offences under the *Criminal Code* (Canada) listed in Table 1 are prescribed as serious property offences.

ORDERS FOR PAYMENT OF LEGAL EXPENSES RE CERTAIN MONEY OR OTHER PROPERTY (SECTION 8 OF ACT)

Prescribed purpose

3. An order under section 8 of the Act may apply only to reasonable legal expenses incurred in a proceeding under the Act for the purpose of establishing the person's claim to an interest in the money or other property.

Funding

4. When the Superior Court of Justice makes an order under section 8 of the Act for payment of reasonable legal expenses out of money or other property that is subject to an order for the preservation of property made under section 5 or 6 of the Act, the court may also vary the order made under section 5 or 6 of the Act, to allow the Attorney General to convert property to money in order to comply with the payment order.

Monetary limits

5. Payments under orders made under section 8 of the Act in respect of money or other property that is paid into court in a proceeding commenced under section 4 or 6 of the Act or subject to an order for the preservation of property made under section 5 or 6 of the Act are subject to the following monetary limits:

1. The maximum amount that is available to pay reasonable legal expenses is the amount shown in Column 2 of Table 2 opposite the amount in Column 1 that applies to the property.
2. The amount referred to in paragraph 1 is the maximum that is available for all claimants in respect of the same property.
3. Legal expenses may only be for lawyers' fees, disbursements, fees for services of law clerks, articulated students and investigators, and costs for travel time.
4. Lawyers' fees shall be calculated based on a number of hours worked that the court finds to be reasonable and on the hourly rate set out in Part I of Schedule 2 to Ontario Regulation 107/99 made under the *Legal Aid Services Act, 1998*.
5. Costs for travel time shall be calculated in accordance with Item 23 of Part IV of Schedule 2 to the regulation referred to in paragraph 4, with necessary modifications.
6. Fees for services shall be calculated based on a number of hours worked that the court finds to be reasonable and on the hourly rate set out in Schedule 3 to the regulation referred to in paragraph 4.
7. Disbursements shall be calculated in accordance with Schedule 6 to the regulation referred to in paragraph 4, with necessary modifications.

PERSONAL INFORMATION
(SECTION 11 OF ACT)

Personal information

6. Subsection 11 (4) of the Act applies to information described in that subsection that is acquired by a person,
 - (a) in the course of his or her employment; or
 - (b) in connection to the performance of his or her duties.

COMMENCEMENT

Commencement

7. **This Regulation comes into force on the later of the day it is filed and the day subsection 13 (1) of the Act is proclaimed in force.**

TABLE 1

SERIOUS PROPERTY OFFENCES UNDER THE *CRIMINAL CODE* (CANADA)
(SECTION 2 OF REGULATION)

Paragraph 46 (2) (b) – Treason in relation to information

Section 52 – Sabotage

Section 57 – Forgery or uttering of a forged passport

Section 74 – Piracy

Paragraph 77 (c) – Causing damage to an aircraft

Paragraph 77 (d) – Placement of things likely to endanger an aircraft

Paragraph 77 (e) – Damage or interference with any air navigation facility

Paragraph 77 (f) – Causing serious damage to facilities of a international civil aviation airport

Paragraphs 78.1 (2) (b-d) – Damage or destruction of a ship, cargo or fixed platform

Section 80 – Breach of duty of care re: explosives

Paragraphs 81 (1) (a), (c), (d) – Using explosives (in relation to damaging property)

Subsection 82 (1) – Possession of explosive substance

Subsection 82 (2) – Possession of an explosive substance in association with a criminal organization

Section 83.02 – Providing or collecting property for certain activities

Section 83.03 – Providing, making available property or services for terrorist purposes

Section 83.04 – Using or possessing property for terrorist purposes

Sections 83.08, 83.1, 83.11 and 83.12 – Offences in relation to freezing, disclosure or auditing of terrorist property

Subsections 86 (1) and (3) – Careless storage of a firearm

Subsection 86 (2) – Contravention of regulations in relation to shipping, etc. of a firearm

Subsections 88 (1) and (2) – Possession of a weapon for a dangerous purpose

Subsections 90 (1) and (2) – Carrying a concealed weapon

Subsection 91 (2) – Unauthorized possession of a firearm

Subsections 92 (1) and (2) – Possession of a firearm knowing that its possession is unauthorized

Subsections 93 (1) and (2) – Possession of a firearm at unauthorized place

Section 94 – Unauthorized possession in a motor vehicle

Subsections 96 (1) and (2) – Possession of a weapon obtained by commission of an offence

Subsections 99 (1) and (2) – Weapons trafficking

Subsections 100 (1) and (2) – Possession of a weapon for purposes of trafficking

Subsections 101 (1) and (2) – Transfer without authority

Subsections 102 (1) and (2) – Altering or manufacturing of automatic firearm

Subsections 103 (1) and (2) – Importing or exporting firearms, etc. knowing that it is unauthorized

Subsections 104 (1) and (2) – Unauthorized importing or exporting firearm, etc.

Subsections 105 (1) and (2) – Failure to report lost or found firearms, etc.

Subsections 106 (1) and (2) – Failure to report destroyed firearm, etc.

Subsections 107 (1) and (2) – False statement about a lost or stolen firearm, etc.

Subsections 108 (1) and (2) – Tampering with the serial number of a firearm, etc.

Subsections 117.01 (1), (2) and (3) – Possession of a firearm, etc. contrary to order

Subsection 119 (1) – Bribery of a judicial officer

Section 120 – Bribery of officers

Section 121 – Frauds on government

Section 122 – Breach of trust by public officer

Section 123 – Municipal corruption

Section 124 – Selling or purchasing office

Section 125 – Influencing or negotiating appointments or dealing in offices

Section 131 – Perjury as it relates to property

Section 137 – Fabricating evidence where it relates to property

Subsection 139 (2) – Obstructing justice by bribery and other means

Subsection 140 (1) – Public mischief (in relation to property offences)

Section 142 – Corruptly taking reward for recovery of goods

Subsection 163.1 (2) – Make, print, publish or possess for the purpose of publication child pornography

Subsection 163.1 (3) – Import, distribute, sell or possess for distribution child pornography

Subsection 163.1 (4) – Possession of child pornography

Section 170 – Parent or guardian procuring sexual activity

Section 171 – Householder permitting sexual activity

Subsection 184 (1) – Interception of communications using a device

Subsection 184.5 (1) – Interception of radio based telephone communications

Subsection 212 (1) – Procuring

Subsection 212 (2) – Procuring a person under 18 years

Subsection 212 (4) – Communication for prostitution of person under 18 years
Subsection 251 (1) – Unseaworthy vessel or unsafe aircraft
Section 300 – Publishing a defamatory libel known to be false
Section 302 – Extortion by libel
Section 318 – Advocating genocide
Sections 322 and 334 – Theft
Section 324 and Paragraph 334 (a) – Theft by bailee of things under seizure
Section 326 and Paragraph 334 (a) – Theft of telecommunications service
Section 328 and Paragraph 334 (a) – Theft by or from person having special property or interest
Sections 330 and 334 – Theft by person required to account
Sections 331 and 334 – Theft by person holding power of attorney
Sections 332 and 334 – Misappropriation of money held under direction
Section 336 – Criminal breach of trust
Section 337 – Public servant refusing to deliver property
Section 338 – Fraudulently taking cattle or defacing brand
Subsection 339 (1) – Taking possession, etc. of drift timber
Section 340 – Destroying documents of title, etc.
Subsection 342 (1) – Theft, forgery of credit card
Section 342.01 – Making, having or dealing in instruments for forging or falsifying credit cards
Section 342.1 – Unauthorized use of computer
Section 345 – Stopping mail with intent
Section 346 and Subsection 346 (1.1) – Extortion
Section 347 – Criminal interest rate
Section 348 – Breaking and entering with intent, committing offence or breaking out
Section 349 – Being unlawfully in a dwelling house
Section 351 – Possession of break – in instrument
Section 354 and Paragraph 355 (a) – Possession of property obtained by crime
Section 356 – Theft from mail
Section 357 – Bringing into Canada property obtained by crime
Section 362 – False pretence or false statement
Section 363 – Obtaining execution of valuable security by fraud
Sections 366 and 367 – Forgery
Section 368 – Uttering forged document
Section 369 – Exchequer bill paper, public seals, etc.
Section 370 – Counterfeiting proclamation
Section 371 – Telegram in another person's name used to defraud
Section 374 – Drawing document without authority
Section 375 – Obtaining, etc., by instrument based on forged document
Section 376 – Counterfeiting stamp/mark
Section 377 – Damaging official documents (vital statistics and elections)
Section 378 – Offences in relation to registers

Subsection 380 (1) – Fraud

Subsection 380 (2) – Affecting public market

Section 382 – Fraudulent manipulation of stock exchange transactions

Section 383 – Gaming in stocks or merchandise

Section 384 – Broker reducing stock by selling for his own account

Section 386 – Fraudulent registration of titles

Section 394 – Fraud in relation to valuable minerals

Section 394.1 – Possession of stolen or fraudulently obtained valuable mineral

Section 396 – Offences in relation to mines and oil wells

Section 397 – Falsification of Books and Documents

Section 399 – False return by public officer

Section 400 – False prospectus, etc.

Section 403 – Personation with intent

Section 405 – Acknowledging instrument in false name

Section 418 – Selling defective stores to Her Majesty

Section 420 – Offences in relation to sale, etc. of military stores

Section 422 – Criminal breach of contract

Paragraph 423 (1) (d) – Intimidation by hiding any tools, clothes, or other property owned or used by other person or deprives her or hinders her from using them

Paragraph 423 (1) (g) – Intimidation by blocking a highway

Section 426 – Secret commissions

Section 430 – Mischief related offences

Subsection 431.2 (2) – Delivery, etc. of explosive or other lethal device to a public place

Section 433 – Arson – disregard for human life

Section 434 – Arson – damage to property

Section 434.1 – Arson – own property

Section 435 – Arson for fraudulent purpose

Section 436 – Arson by negligence

Section 436.1 – Possession of incendiary device

Subsection 438 (1) – Preventing or impeding the saving of a wrecked, stranded, abandoned vessel

Section 441 – Possessor injuring building belonging to a mortgagee or owner

Section 443 – Interfering with international boundary marks

Section 444 – Injuring or endangering cattle

Section 449 – Making counterfeit money

Section 450 – Possession, etc., of counterfeit money

Section 451 – Having clippings

Section 452 – Uttering, etc., counterfeit money

Section 455 – Clipping and uttering clipped coin

Section 458 – Making, having or dealing in instruments for counterfeiting

Section 459 – Conveying instruments for coining out of mint

Section 460 – Advertising and dealing in counterfeit money, etc.

Subsection 467.11 (1) – Participation in activities of a criminal organization

Section 467.12 – Commission of offence for criminal organization

Section 467.13 – Instructing commission of offence for criminal organization

TABLE 2

MAXIMUM AMOUNT FOR LEGAL EXPENSES
(SECTION 5 OF REGULATION)

Column 1	Column 2
Total Amount Held (property that is money or has been converted to money)	Maximum Available for Reasonable Legal Expenses
\$99.99 or less	Nil
\$100 or more but less than \$100,000	25 per cent of total
\$100,000 or more but less than \$1,000,000	\$25,000 plus 15 per cent of (total – 100,000)
\$1,000,000 or more	\$160,000 plus 10 per cent of (total – 1,000,000)

RÈGLEMENT DE L'ONTARIO 235/03

pris en application de la

**LOI DE 2002 INTERDISANT LES GAINS
TIRÉS DU RÉCIT D'ACTES CRIMINELS**

pris le 4 juin 2003
déposé le 6 juin 2003

DISPOSITIONS GÉNÉRALES

DÉFINITION DE MANDATAIRE
(ARTICLE 2 DE LA LOI)

Lien étroit

1. Pour l'application de l'alinéa c) de la définition de «mandataire» à l'article 2 de la Loi, une personne accusée ou déclarée coupable d'un acte criminel désigné a un lien étroit avec une personne morale si, selon le cas :

- a) elle a un intérêt bénéficiaire dans la personne morale;
- b) elle contrôle ou peut contrôler, directement ou indirectement, la personne morale;
- c) elle a, directement ou indirectement, fourni un financement à la personne morale ou reçu un financement de celle-ci.

DÉFINITION D'ACTE CRIMINEL DÉSIGNÉ
(ARTICLE 2 DE LA LOI)

Infraction grave contre les biens

2. Pour l'application de l'alinéa c) de la définition de «acte criminel désigné» à l'article 2 de la Loi, les infractions visées par le *Code criminel* (Canada) qui figurent au tableau 1 sont prescrites comme étant des infractions graves contre les biens.

ORDONNANCES DE PAIEMENT DES FRAIS JURIDIQUES
CONCERNANT UNE SOMME D'ARGENT OU UN BIEN
(ARTICLE 8 DE LA LOI)

Fins prévues

3. L'ordonnance visée à l'article 8 de la Loi ne peut s'appliquer qu'aux frais juridiques raisonnables engagés dans le cadre d'une instance prévue par la Loi en vue de faire reconnaître un intérêt sur un bien, notamment une somme d'argent.

Financement

4. Lorsque la Cour supérieure de justice rend, en vertu de l'article 8 de la Loi, une ordonnance de prélèvement des frais juridiques raisonnables sur un bien, notamment une somme d'argent, qui fait l'objet d'une ordonnance de conservation d'un

bien rendue en vertu de l'article 5 ou 6 de la Loi, elle peut également modifier cette dernière ordonnance pour permettre au procureur général de convertir le bien en argent afin de respecter l'ordonnance de paiement.

Limites pécuniaires

5. Sont assujettis aux limites pécuniaires suivantes les paiements prévus par une ordonnance rendue en vertu de l'article 8 de la Loi et concernant un bien, notamment une somme d'argent, qui est consigné au tribunal dans le cadre d'une instance introduite en application de l'article 4 ou 6 de la Loi ou qui fait l'objet d'une ordonnance de conservation d'un bien rendue en vertu de l'article 5 ou 6 de la Loi :

1. Le montant maximal qui peut être affecté au paiement des frais juridiques raisonnables figure à la colonne 2 du tableau 2, en regard du montant de la colonne 1 qui s'applique au bien.
2. Le montant visé à la disposition 1 est le maximum dont peuvent se prévaloir toutes les personnes qui revendiquent un intérêt sur le même bien.
3. Ne constituent des frais juridiques que les honoraires d'avocat, les débours, les honoraires pour les services des clercs, stagiaires et enquêteurs ainsi que les frais de déplacement.
4. Les honoraires d'avocat sont calculés selon le nombre d'heures travaillées que le tribunal juge raisonnable et en fonction du taux horaire indiqué dans la partie I de l'annexe 2 du Règlement de l'Ontario 107/99 pris en application de la *Loi de 1998 sur les services d'aide juridique*.
5. Les frais de déplacement sont calculés conformément au numéro 23 de la partie IV de l'annexe 2 du règlement visé à la disposition 4, avec les adaptations nécessaires.
6. Les honoraires pour les services sont calculés selon le nombre d'heures travaillées que le tribunal juge raisonnable et en fonction du taux horaire indiqué dans l'annexe 3 du règlement visé à la disposition 4.
7. Les débours sont calculés conformément à l'annexe 6 du règlement visé à la disposition 4, avec les adaptations nécessaires.

RENSEIGNEMENTS PERSONNELS (ARTICLE 11 DE LA LOI)

Renseignements personnels

6. Le paragraphe 11 (4) de la Loi s'applique aux renseignements qui y sont décrits et dont une personne prend connaissance :

- a) dans le cadre de son emploi;
- b) dans le cadre de l'exercice de ses fonctions.

ENTRÉE EN VIGUEUR

Entrée en vigueur

7. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du jour de la proclamation en vigueur du paragraphe 13 (1) de la Loi.

TABLEAU 1

INFRACTIONS GRAVES CONTRE LES BIENS VISÉES PAR LE CODE CRIMINEL (CANADA) (ARTICLE 2 DU RÈGLEMENT)

Alinéa 46 (2) b) – Trahison relative aux renseignements

Article 52 – Sabotage

Article 57 – Faux ou usage de faux en matière de passeport

Article 74 – Piraterie

Alinéa 77 c) – Causer des dommages à un aéronef

Alinéa 77 d) – Placer des choses susceptibles de porter atteinte à la sécurité d'un aéronef

Alinéa 77 e) – Causer des dommages à une installation servant à la navigation aérienne ou nuire à son fonctionnement

Alinéa 77 f) – Causer des dommages graves aux installations d'un aéroport servant à l'aviation civile internationale

Alinéas 78.1 (2) b) à d) – Endommager ou détruire un navire, sa cargaison ou une plate-forme fixe

Article 80 – Manquer à l'obligation de prendre des précautions à l'égard d'explosifs

Alinéas 81 (1) a), c), d) – Usage d'explosifs (à l'égard de dommages à la propriété)

Paragraphe 82 (1) – Possession d'une substance explosive

Paragraphe 82 (2) – Possession d'une substance explosive liée aux activités d'une organisation criminelle

Article 83.02 – Fournir ou réunir des biens en vue de certains actes

Article 83.03 – Fournir ou rendre disponibles des biens ou services à des fins terroristes

Article 83.04 – Utiliser ou avoir en sa possession des biens à des fins terroristes

Articles 83.08, 83.1, 83.11 et 83.12 – Infraction : blocage des biens appartenant à des terroristes, communication ou vérification

Paragraphe 86 (1) et (3) – Entreposage négligent d'une arme à feu

Paragraphe 86 (2) – Contravention des règlements régissant l'expédition d'une arme à feu

Paragraphe 88 (1) et (2) – Possession d'une arme dans un dessein dangereux

Paragraphe 90 (1) et (2) – Port d'une arme dissimulée

Paragraphe 91 (2) – Possession non autorisée d'une arme à feu

Paragraphe 92 (1) et (2) – Possession non autorisée d'une arme à feu – infraction délibérée

Paragraphe 93 (1) et (2) – Possession d'une arme à feu dans un lieu non autorisé

Article 94 – Possession non autorisée dans un véhicule automobile

Paragraphe 96 (1) et (2) – Possession d'une arme obtenue lors de la perpétration d'une infraction

Paragraphe 99 (1) et (2) – Trafic d'armes

Paragraphe 100 (1) et (2) – Possession d'une arme en vue de faire le trafic d'armes

Paragraphe 101 (1) et (2) – Cession illégale

Paragraphe 102 (1) et (2) – Modification ou fabrication d'une arme automatique

Paragraphe 103 (1) et (2) – Importation ou exportation non autorisées d'armes à feu – infraction délibérée

Paragraphe 104 (1) et (2) – Importation ou exportation non autorisées d'armes à feu

Paragraphe 105 (1) et (2) – Omission de signaler qu'une arme à feu a été perdue ou trouvée

Paragraphe 106 (1) et (2) – Omission de signaler la destruction d'une arme à feu

Paragraphe 107 (1) et (2) – Fausse déclaration concernant la perte ou le vol d'une arme à feu

Paragraphe 108 (1) et (2) – Modification du numéro de série d'une arme à feu

Paragraphe 117.01 (1), (2) et (3) – Possession d'une arme à feu en contravention d'une ordonnance d'interdiction

Paragraphe 119 (1) – Corruption d'un fonctionnaire judiciaire

Article 120 – Corruption de fonctionnaires

Article 121 – Fraudes envers le gouvernement

Article 122 – Abus de confiance par un fonctionnaire public

Article 123 – Actes de corruption dans les affaires municipales

Article 124 – Achat ou vente d'une charge

Article 125 – Influencer ou négocier une nomination ou en faire commerce

Article 131 – Parjure concernant des biens

Article 137 – Fabrication de preuve concernant des biens

Paragraphe 139 (2) – Entrave à la justice par pots-de-vin ou autres moyens

Paragraphe 140 (1) – Méfait public (dans le cadre d'infractions relatives aux biens)

Article 142 – Acceptation vénale d'une récompense pour le recouvrement d'effets

Paragraphe 163.1 (2) – Production, impression, publication ou possession en vue de la publication de la pornographie juvénile

Paragraphe 163.1 (3) – Importation, distribution, vente ou possession en vue de la distribution de la pornographie juvénile

Paragraphe 163.1 (4) – Possession de la pornographie juvénile

Article 170 – Père, mère ou tuteur qui sert d'entremetteur

Article 171 – Maître de maison qui permet des actes sexuels interdits

Paragraphe 184 (1) – Interception des communications au moyen d'un dispositif

Paragraphe 184.5 (1) – Interception de communications radiotéléphoniques

Paragraphe 212 (1) – Proxénétisme

Paragraphe 212 (2) – Proxénétisme à l'égard d'une personne de moins de 18 ans

Paragraphe 212 (4) – Communication en vue de la prostitution d'une personne de moins de 18 ans

Paragraphe 251 (1) – Bateau innavigable ou aéronef en mauvais état

Article 300 – Publication d'un libelle diffamatoire délibérément faux

Article 302 – Extorsion par libelle

Article 318 – Encouragement au génocide

Articles 322 et 334 – Vol

Article 324 et alinéa 334 a) – Vol par depositaire de choses frappées de saisie

Article 326 et alinéa 334 a) – Vol de service de télécommunication

Article 328 et alinéa 334 a) – Vol par une personne ou d'une personne ayant un droit de propriété ou un intérêt spécial

Articles 330 et 334 – Vol par une personne tenue de rendre compte

Articles 331 et 334 – Vol par une personne détenant une procuration

Articles 332 et 334 – Distraction de fonds détenus en vertu d'instructions

Article 336 – Abus de confiance criminel

Article 337 – Employé public qui refuse de remettre des biens

Article 338 – Prendre frauduleusement des bestiaux ou enlever les marques

Paragraphe 339 (1) – Prise de possession, etc., de bois en dérive

Article 340 – Destruction de titres

Paragraphe 342 (1) – Vol ou falsification de cartes de crédit

Article 342.01 – Fabrication ou possession d'instruments destinés à fabriquer ou à falsifier des cartes de crédit

Article 342.1 – Utilisation non autorisée d'ordinateur

Article 345 – Fait d'arrêter la poste avec intention de vol

Article 346 et paragraphe 346 (1.1) – Extorsion

Article 347 – Taux d'intérêt criminel

Article 348 – Introduction par effraction dans un dessein criminel

Article 349 – Présence illégale dans une maison d'habitation

Article 351 – Possession d'outils de cambriolage

Article 354 et alinéa 355 a) – Possession de biens criminellement obtenus

Article 356 – Vol de courrier

Article 357 – Apporter au Canada des objets criminellement obtenus

Article 362 – Faux semblant ou fausse déclaration

Article 363 – Obtention par fraude de la signature d'une valeur

Articles 366 et 367 – Faux

Article 368 – Emploi d'un document contrefait

Article 369 – Papier de bons du Trésor, sceaux publics, etc.

Article 370 – Proclamation contrefaite

Article 371 – Envoi de télégrammes sous le nom d'une autre personne avec l'intention de frauder

Article 374 – Rédaction non autorisée d'un document

Article 375 – Obtenir, etc., au moyen d'un instrument fondé sur un document contrefait

Article 376 – Contrefaçon de timbres et de marques

Article 377 – Documents officiels endommagés (registres d'état civil et documents d'élection)

Article 378 – Infractions relatives aux registres

Paragraphe 380 (1) – Fraude

Paragraphe 380 (2) – Influence sur le marché public

Article 382 – Manipulations frauduleuses d'opérations boursières

Article 383 – Agiotage sur les actions ou marchandises

Article 384 – Courtier réduisant le nombre d'actions en vendant pour son propre compte

Article 386 – Enregistrement frauduleux de titre

Article 394 – Fraudes relatives aux minéraux précieux

Article 394.1 – Possession de minéraux précieux volés ou obtenus illégalement

Article 396 – Infractions relatives aux mines et aux puits de pétrole

Article 397 – Falsification de livres et documents

Article 399 – Faux relevé fourni par un fonctionnaire public

Article 400 – Faux prospectus, etc.

Article 403 – Supposition intentionnelle de personne

Article 405 – Reconnaissance d'un instrument sous un faux nom

Article 418 – Vente d'approvisionnements défectueux à Sa Majesté

Article 420 – Infractions relatives à la vente d'approvisionnements militaires

Article 422 – Violation criminelle de contrat

Alinéa 423 (1) d) – Intimidation par le fait de cacher des outils, vêtements ou autres biens possédés ou employés par une autre personne, ou par le fait d'en priver cette personne ou de faire obstacle à l'usage qu'elle en fait

Alinéa 423 (1) g) – Intimidation par le fait de bloquer une grande route

Article 426 – Commissions secrètes

Article 430 – Infractions relatives au méfait

Paragraphe 431.2 (2) – Livrer un engin explosif ou un autre engin meurtrier dans un lieu public

Article 433 – Incendie criminel : danger pour la vie humaine

Article 434 – Incendie criminel : dommages matériels

Article 434.1 – Incendie criminel : biens propres

Article 435 – Incendie criminel : intention frauduleuse

Article 436 – Incendie criminel par négligence

Article 436.1 – Possession de dispositifs incendiaires

Paragraphe 438 (1) – Empêcher ou entraver le sauvetage d'un navire naufragé, échoué ou abandonné

Article 441 – Occupant qui détériore un bâtiment qui appartient à un créancier hypothécaire ou à un propriétaire

Article 443 – Déplacer des bornes internationales

Article 444 – Tuer ou blesser des bestiaux

Article 449 – Fabrication de monnaie contrefaite

Article 450 – Possession, etc., de monnaie contrefaite

Article 451 – Possession de limailles

Article 452 – Mise en circulation, etc., de monnaie contrefaite

Article 455 – Rogner et mettre en circulation une pièce de monnaie

Article 458 – Fabrication, possession ou commerce d'instruments pour contrefaire de la monnaie

Article 459 – Retirer d'un hôtel de la Monnaie, des instruments, etc.

Article 460 – Faire le commerce de la monnaie contrefaite, etc.

Paragraphe 467.11 (1) – Participation aux activités d'une organisation criminelle

Article 467.12 – Infraction au profit d'une organisation criminelle

Article 467.13 – Charger une personne de commettre une infraction au profit d'une organisation criminelle

TABLEAU 2

MONTANT MAXIMAL POUR FRAIS JURIDIQUES (ARTICLE 5 DU RÈGLEMENT)

Colonne 1	Colonne 2
Montant total détenu (bien qui est une somme d'argent ou qui a été converti en somme d'argent)	Maximum pouvant être affecté aux frais juridiques raisonnables
99,99 \$ et moins	Zéro
De 100 \$ à 100 000 \$, exclusivement	25 pour cent du total
De 100 000 \$ à 1 000 000 \$, exclusivement	25 000 \$ + 15 pour cent (le total – 100 000 \$)
1 000 000 \$ et plus	160 000 \$ + 10 pour cent (le total – 1 000 000 \$)

25/03

ONTARIO REGULATION 236/03

made under the

PROHIBITING PROFITING FROM RECOUNTING CRIMES ACT, 2002

Made: June 4, 2003

Filed: June 6, 2003

SPECIAL PURPOSE ACCOUNTS

GENERAL

Definitions

1. In this Regulation,

“adjudicator” means a person appointed by the Lieutenant Governor in Council under section 3; (“arbitre”)

“direct victim” means a person who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the *Family Law Act*, as a result of a crime that is the subject of a contract for recounting crime; (“victime directe”)

“final day for filing” means the date named in a notice published under section 4 on or before which all claims for the compensation pursuant to the notice must be filed; (“échéance de production”)

“special purpose account” means an account established under section 9 of the Act. (“compte spécial”)

Priority of payments from special purpose accounts

2. (1) Money shall be paid out of a special purpose account established under section 9 of the Act as follows:

1. First, to compensate direct victims of the crime that is the subject of the contract for recounting crime pursuant to which money is deposited into the special purpose account, in accordance with sections 3 to 10.
2. If any money remains after payment under paragraph 1, or if no money is paid under paragraph 1, then to assist victims of crime, in accordance with section 11.
- (2) Any money deposited to a special purpose account after compensation has been determined or paid under paragraph 1 of subsection (1) shall be applied to payments from the account under paragraph 2 of subsection (1), but shall not be applied to payments or be considered in determining or altering compensation under paragraph 1 of subsection (1).
- (3) Subsection (2) does not apply to royalties or other money deposited to a special purpose account that was determined by the adjudicator to be part of a direct victim claimant's compensation.

COMPENSATION TO DIRECT VICTIMS OF CRIME

Adjudicator

3. (1) The Lieutenant Governor in Council may appoint one or more persons to act as adjudicator of the claims made by direct victim claimants under this Regulation.
- (2) An adjudicator shall receive remuneration and expenses as determined by the Lieutenant Governor in Council.
- (3) The Attorney General may assign one or more employees of the Ministry of the Attorney General to assist an adjudicator in carrying out his or her duties under this Regulation.

Notice

4. (1) Within one year after the first deposit of money into a special purpose account, the Attorney General shall give notice in accordance with this section.
- (2) The notice shall be published in *The Ontario Gazette* and may also be published in any other way or ways that, in the opinion of the Attorney General or his or her designate, will bring the right to make a claim for compensation to the attention of direct victims of the crime to which the special purpose account relates.
- (3) The notice shall,
 - (a) identify the proceeding under the Act as a result of which the money was deposited into the special purpose account;
 - (b) state that any person who suffered pecuniary or non-pecuniary losses as a result of the crime that is the subject of the contract for recounting crime respecting which the proceeding was commenced is entitled to make a claim for compensation;
 - (c) describe the steps to be taken to make a claim;
 - (d) name the final day for filing, which shall not be earlier than six months after the first publication of the notice in *The Ontario Gazette* or later than nine months after that first publication;
 - (e) state that a claim that does not comply with this Regulation will be denied;
 - (f) give an address and telephone number to which inquiries about potential claims may be directed;
 - (g) give an address where claims should be filed;
 - (h) include any other information that the Attorney General considers appropriate.
- (4) If the Attorney General or his or her designate is of the opinion, having regard to the number of potential direct victim claimants for compensation from a special purpose account and the amount available for compensation from the account, that the payment to each direct victim claimant would be too small to justify the administrative costs of adjudicating the claims, the Attorney General or his or her designate, as the case may be, may decide that no compensation will be paid to any direct victim claimant from the special purpose account and, in that case, the Attorney General shall not give notice in accordance with this section.

Claim

5. (1) A direct victim claimant shall use the claim form provided by the Attorney General.
- (2) The claim shall include a description of the claimant's pecuniary losses and documentary evidence of the losses, including receipts and invoices.
- (3) If the claim is also for non-pecuniary losses, it shall include a description of the claimant's non-pecuniary losses and documentary evidence of the losses.
- (4) The claim shall identify any other sources from which compensation for the losses claimed by the claimant under this section have been paid or are payable to the claimant, and the amount of that compensation.
- (5) The claim shall be filed on or before the final day for filing.

(6) The claimant shall revise the information required under subsection (4) as the information changes or as more such information becomes available to the claimant, even after receiving compensation from the special purpose account under section 7 or 8.

No payments made until all claims are adjudicated

6. No payments shall be made out of the special purpose account to direct victim claimants until all the claims filed by direct victim claimants in accordance with section 5 have been adjudicated and the amount of compensation to each claimant is determined under section 7 or 8.

Determination of eligibility and amount of compensation

7. (1) The adjudicator shall review all the direct victim claims filed on or before the final day for filing and shall determine,

- (a) each direct victim claimant's eligibility for compensation; and
- (b) the amount of compensation to be paid to each eligible direct victim claimant.

(2) A direct victim claimant is eligible for compensation from the special purpose account if the claim is filed in accordance with section 5 and if the adjudicator is satisfied by the claim and by any other information obtained by the adjudicator under section 11 of the Act that,

- (a) the claimant suffered pecuniary or non-pecuniary losses as a result of the unlawful activity;
- (b) the amount of the losses can be quantified; and
- (c) full compensation for the losses has not been paid or is not payable to the claimant from other sources.

(3) In determining whether a direct victim claimant is eligible for compensation and the amount of compensation to be paid to an eligible direct victim claimant, the adjudicator shall have regard to all relevant circumstances, including any behaviour of the claimant that may have directly or indirectly contributed to the claimant's losses.

(4) Even if a direct victim claimant is eligible to receive compensation as determined under subsections (2) and (3), the adjudicator may decline to pay any compensation to the claimant if, in the adjudicator's opinion,

- (a) the amount of the compensation would be too small to justify the administrative costs of paying it; or
- (b) the losses suffered by the claimant are remote from the crime that is the subject of the contract for recounting crime.

Amount of compensation where claims exceed balance of account

8. If the total amount of the compensation that would otherwise be paid to all the eligible direct victim claimants under section 7 exceeds the balance available in the special purpose account, the amount of compensation shall be determined and paid as follows:

1. Compensation for pecuniary losses of direct victim claimants who are individuals shall be determined first.
2. If the total amount that would otherwise be paid to all the eligible individual direct victim claimants for pecuniary losses exceeds the balance available in the special purpose account, the amount that would otherwise be paid to each individual direct victim claimant for pecuniary losses shall be reduced pro-rata in the proportion that the balance of the special purpose account bears to the total amount that would otherwise be paid to all the eligible individual direct victim claimants for pecuniary losses.
3. If, in the adjudicator's opinion, the payment for pecuniary losses to each individual direct victim claimant would be too small to justify the administrative costs of paying them, the adjudicator may decline to pay any compensation under paragraph 1 or 2.
4. If there is any balance available in the special purpose account after compensation for the pecuniary losses is determined under paragraph 1 or 2, compensation for non-pecuniary losses of direct victim claimants who are individuals shall be determined.
5. If the total of the amount that would otherwise be paid to all the eligible individual direct victim claimants for non-pecuniary losses exceeds the balance available in the special purpose account after compensation for the pecuniary losses under paragraph 1 or 2 is paid, the amount that would otherwise be paid to each individual direct victim claimant for non-pecuniary losses shall be reduced pro-rata in the proportion that the balance of the special purpose account bears to the total amount that would otherwise be paid to all the eligible individual direct victim claimants for non-pecuniary losses.
6. If, in the adjudicator's opinion, the payment for non-pecuniary losses to each individual direct victim claimant would be too small to justify the administrative costs of paying them, the adjudicator may decline to pay any compensation under paragraph 4 or 5.

7. If there is any balance available in the special purpose account after compensation for the pecuniary and non-pecuniary losses of individual direct victim claimants is determined under paragraphs 1 to 6, compensation for pecuniary losses of direct victim claimants who are not individuals shall be determined.
8. If, in the adjudicator's opinion, the payment for pecuniary losses to each direct victim claimant who is not an individual would be too small to justify the administrative costs of paying them, the adjudicator may decline to pay any compensation under paragraph 7.

Judicial review

9. (1) A decision of the adjudicator under section 7 or 8 is final and not subject to appeal, and shall not be altered or set aside in an application for judicial review or in any other proceeding unless the decision is patently unreasonable.
- (2) An application for judicial review from a decision of the adjudicator under section 7 or 8 must be filed within 30 days after being notified of the determination that is subject to review.

Payments from other sources

10. (1) The amount that would otherwise be paid to a direct victim claimant under section 7 or 8 shall be reduced by the amount of compensation paid or payable to the claimant from any other source.
- (2) If, after receiving a payment under section 7 or 8, a direct victim claimant receives a payment as compensation for some or all of the same losses from another source that was not identified in the claimant's claim or in an amount exceeding the amount identified in the claimant's claim, the claimant shall report the payment to the adjudicator, or if the adjudicator is no longer acting in respect of the special purpose account, to the Attorney General, and shall reimburse the Minister of Finance for the amount of money received from the other source that was also paid to the claimant from the special purpose account.
- (3) The Minister of Finance may recover the amount of money received by a claimant from another source as compensation for the same losses for which the claimant received money as compensation from the special purpose account in any court of competent jurisdiction as a debt due to the Crown.
- (4) The Minister of Finance shall deposit any reimbursed or recovered money to the special purpose account from which it had been paid.

ASSISTING VICTIMS OF CRIME

11. (1) The Attorney General may pay grants out of a special purpose account to any person or organization in order to assist victims of crime.
- (2) The Attorney General shall establish criteria and guidelines for the payment of the grants, including the eligibility of persons and organizations to receive grants.

COMMENCEMENT

Commencement

12. This Regulation comes into force on the later of the day it is filed and the day subsection 13 (1) of the Act is proclaimed in force.

RÈGLEMENT DE L'ONTARIO 236/03

pris en application de la

LOI DE 2002 INTERDISANT LES GAINS TIRÉS DU RÉCIT D'ACTES CRIMINELS

pris le 4 juin 2003
déposé le 6 juin 2003

COMPTES SPÉCIAUX

DISPOSITIONS GÉNÉRALES

Définitions

1. Les définitions qui suivent s'appliquent au présent règlement.
- «arbitre» Personne que le lieutenant-gouverneur en conseil nomme en application de l'article 3. («adjudicator»)
- «compte spécial» Compte constitué en application de l'article 9 de la Loi. («special purpose account»)

«*échéance de production*» La date indiquée dans un avis publié en application de l'article 4, à laquelle, au plus tard, toutes les demandes d'indemnisation découlant de l'avis doivent être produites. («*final day for filing*»)

«*victime directe*» Personne qui a subi des pertes pécuniaires ou extrapécuniaires, y compris les pertes recouvrables en vertu de la partie V de la *Loi sur le droit de la famille*, par suite d'un acte criminel visé par un contrat d'utilisation du récit d'un acte criminel. («*direct victim*»)

Ordre de priorité des prélèvements sur les comptes spéciaux

2. (1) Les prélèvements sur un compte spécial constitué en application de l'article 9 de la Loi se font de la manière suivante :

1. Premièrement, aux fins de l'indemnisation des victimes directes de l'acte criminel visé par le contrat d'utilisation du récit d'un acte criminel à l'égard duquel une somme est déposée dans le compte spécial, conformément aux articles 3 à 10.
2. S'il reste des fonds après les paiements effectués en application de la disposition 1, ou s'il n'en est effectué aucun, aux fins de l'aide aux victimes d'actes criminels, conformément à l'article 11.

(2) Les sommes déposées dans un compte spécial après que des indemnités ont été fixées ou versées en application de la disposition 1 du paragraphe (1) doivent être affectées aux prélèvements sur le compte visés à la disposition 2 de ce paragraphe. Toutefois, elles ne doivent pas être affectées aux prélèvements visés à la disposition 1 du même paragraphe, entrer dans le calcul des indemnités prévues à cette disposition ni servir à les modifier.

(3) Le paragraphe (2) ne s'applique pas aux droits d'auteur et autres sommes déposés dans un compte spécial que l'arbitre déclare faire partie de l'indemnité versée à une victime directe qui présente une demande.

INDEMNISATION DES VICTIMES DIRECTES D'ACTES CRIMINELS

Arbitre

3. (1) Le lieutenant-gouverneur en conseil peut nommer une ou plusieurs personnes pour agir comme arbitre des demandes présentées par des victimes directes en vertu du présent règlement.

(2) L'arbitre touche la rémunération et les indemnités que fixe le lieutenant-gouverneur en conseil.

(3) Le procureur général peut nommer un ou plusieurs employés de son ministère pour aider l'arbitre à s'acquitter des fonctions que lui attribue le présent règlement.

Avis

4. (1) Le procureur général donne un avis conformément au présent article au plus tard un an après le premier dépôt d'une somme dans un compte spécial.

(2) L'avis est publié dans la *Gazette de l'Ontario* et peut également être publié de toute autre façon qui, de l'avis du procureur général ou de la personne qu'il désigne, portera le droit de demander une indemnité à l'attention des victimes directes de l'acte criminel auquel se rapporte le compte spécial.

(3) L'avis :

- a) précise l'instance prévue par la Loi à l'issue de laquelle la somme a été déposée dans le compte spécial;
- b) indique que toute personne qui a subi des pertes pécuniaires ou extrapécuniaires par suite de l'acte criminel visé par le contrat d'utilisation du récit d'un acte criminel à l'égard duquel l'instance a été introduite a le droit de demander une indemnité;
- c) décrit les étapes à suivre pour présenter une demande;
- d) fixe l'échéance de production, laquelle ne doit pas tomber moins de six mois après la date de sa publication initiale dans la *Gazette de l'Ontario* ou plus de neuf mois après cette date;
- e) indique qu'une demande qui n'est pas conforme au présent règlement sera rejetée;
- f) indique l'adresse et le numéro de téléphone auxquels les demandes de renseignements visant des demandes éventuelles peuvent être présentées;
- g) indique l'adresse où les demandes doivent être produites;
- h) comprend les autres renseignements que le procureur général estime utiles.

(4) Si le procureur général ou la personne qu'il désigne est d'avis, eu égard au nombre de victimes directes qui pourraient présenter des demandes d'indemnisation sur un compte spécial ou aux fonds disponibles à cette fin, que le versement revenant à chaque victime directe qui présente une demande serait trop petit pour justifier les frais d'administrations liés au règlement des demandes, l'un ou l'autre, selon le cas, peut décider qu'aucune indemnité ne sera prélevée sur le compte

spécial pour être versée aux victimes directes qui présentent des demandes, auquel cas le procureur général ne doit pas donner l'avis prévu au présent article.

Demande

5. (1) La victime directe qui présente une demande utilise la formule de demande que fournit le procureur général.
- (2) La demande comprend une description des pertes pécuniaires subies par son auteur, preuves documentaires, notamment reçus et factures, à l'appui.
- (3) Si la demande vise également des pertes extrapécuniaires subies par son auteur, elle en comprend la description, preuves documentaires à l'appui.
- (4) La demande précise les autres sources qui ont versé ou doivent verser à son auteur des indemnités pour les pertes dont il demande à être indemnisé en vertu du présent article, ainsi que le montant de ces indemnités.
- (5) La demande est produite au plus tard à l'échéance de production.
- (6) L'auteur de la demande révisé les renseignements exigés au paragraphe (4) à mesure qu'ils évoluent ou qu'il en apprend de nouveaux, même après avoir reçu une indemnité prélevée sur le compte spécial en application de l'article 7 ou 8.

Aucun paiement avant le règlement de toutes les demandes

6. Aucune somme prélevée sur le compte spécial ne doit être versée aux victimes directes qui présentent une demande avant le règlement de toutes les demandes qu'elles ont produites conformément à l'article 5 et la fixation, en application de l'article 7 ou 8, du montant de l'indemnité accordée à chaque auteur d'une demande.

Admissibilité et montant de l'indemnité

7. (1) L'arbitre examine toutes les demandes que des victimes directes ont produites au plus tard à l'échéance de production et :

- a) d'une part, établit l'admissibilité à une indemnité de chaque victime directe qui présente une demande;
 - b) d'autre part, fixe le montant de l'indemnité à verser à chaque victime directe admissible qui présente une demande.
- (2) La victime directe qui présente une demande est admissible à une indemnité prélevée sur le compte spécial si la demande est produite conformément à l'article 5 et que celle-ci et les autres renseignements obtenus par l'arbitre en vertu de l'article 11 de la Loi le convainquent de ce qui suit :
- a) l'auteur de la demande a subi des pertes pécuniaires ou extrapécuniaires par suite de l'activité illégale;
 - b) les pertes peuvent être quantifiées;
 - c) d'autres sources n'ont pas indemnisé intégralement l'auteur de la demande des pertes qu'il a subies ni ne doivent le faire.
- (3) Lorsqu'il établit l'admissibilité à une indemnité d'une victime directe qui présente une demande et qu'il fixe le montant de l'indemnité à verser à une telle victime qui est admissible, l'arbitre tient compte de toutes les circonstances pertinentes, y compris tout comportement de l'auteur de la demande qui peut avoir contribué directement ou indirectement aux pertes qu'il a subies.
- (4) Même si la victime directe qui présente une demande est admissible à une indemnité fixée en application des paragraphes (2) et (3), l'arbitre peut refuser de la lui verser si, à son avis :
- a) soit le montant de l'indemnité serait trop petit pour justifier les frais d'administration liés à son versement;
 - b) soit le lien entre les pertes subies par l'auteur de la demande et l'acte criminel visé par le contrat d'utilisation du récit d'un acte criminel est ténu.

Montant de l'indemnité lorsque les demandes sont supérieures au solde du compte

8. Si le montant total des indemnités qui seraient versées par ailleurs, en application de l'article 7, aux victimes directes admissibles qui présentent une demande est supérieur au solde du compte spécial, les indemnités sont fixées et versées comme suit :

1. Les indemnités pour pertes pécuniaires subies par des victimes directes qui présentent une demande et qui sont des particuliers sont fixées en premier.
2. Si le montant total des indemnités pour pertes pécuniaires qui seraient versées par ailleurs aux victimes directes admissibles qui présentent une demande et qui sont des particuliers est supérieur au solde du compte spécial, l'indemnité pour pertes pécuniaires qui serait versée par ailleurs à chaque victime directe qui présente une demande et qui est un particulier est réduite proportionnellement selon le rapport qui existe entre le solde et ce montant.

3. L'arbitre peut refuser de verser les indemnités visées à la disposition 1 ou 2 s'il est d'avis que l'indemnité pour pertes pécuniaires versée à chaque victime directe qui présente une demande et qui est un particulier serait trop petite pour justifier les frais d'administration liés à son versement.
4. Les indemnités pour pertes extrapécuniaires subies par des victimes directes qui présentent une demande et qui sont des particuliers sont fixées si le compte spécial affiche un solde après que les indemnités pour pertes pécuniaires ont été fixées en application de la disposition 1 ou 2.
5. Si le montant total des indemnités pour pertes extrapécuniaires qui seraient versées par ailleurs aux victimes directes admissibles qui présentent une demande et qui sont des particuliers est supérieur au solde du compte spécial après le versement des indemnités pour pertes pécuniaires visées à la disposition 1 ou 2, l'indemnité pour pertes extrapécuniaires qui serait versée par ailleurs à chaque victime directe qui présente une demande et qui est un particulier est réduite proportionnellement selon le rapport qui existe entre le solde et ce montant.
6. L'arbitre peut refuser de verser les indemnités visées à la disposition 4 ou 5 s'il est d'avis que l'indemnité pour pertes extrapécuniaires versée à chaque victime directe qui présente une demande et qui est un particulier serait trop petite pour justifier les frais d'administration liés à son versement.
7. Les indemnités pour pertes pécuniaires subies par des victimes directes qui présentent une demande et qui ne sont pas des particuliers sont fixées si le compte spécial affiche un solde après que les indemnités pour pertes pécuniaires et extrapécuniaires subies par les victimes directes qui présentent une demande et qui sont des particuliers ont été fixées en application des dispositions 1 à 6.
8. L'arbitre peut refuser de verser les indemnités visées à la disposition 7 s'il est d'avis que l'indemnité pour pertes pécuniaires versée à chaque victime directe qui présente une demande et qui n'est pas un particulier serait trop petite pour justifier les frais d'administration liés à son versement.

Requête en révision judiciaire

9. (1) Les décisions que l'arbitre prend en application de l'article 7 ou 8 sont définitives, ne sont pas susceptibles d'appel et ne doivent pas être modifiées ni annulées dans le cadre d'une requête en révision judiciaire ou de toute autre instance à moins d'être manifestement déraisonnables.

(2) La requête en révision judiciaire d'une décision que l'arbitre prend en application de l'article 7 ou 8 doit être déposée au plus tard 30 jours après la remise de l'avis de la décision en cause.

Paievements provenant d'autres sources

10. (1) L'indemnité qui serait versée par ailleurs, en application de l'article 7 ou 8, à la victime directe qui présente une demande est réduite de l'indemnité que toute autre source lui a versée ou doit lui verser.

(2) La victime directe qui a présenté une demande et qui, après avoir reçu un versement en application de l'article 7 ou 8, est indemnisée pour la totalité ou une partie des mêmes pertes par une autre source que ne précise pas la demande ou selon un montant supérieur à celui qui y est précisé en informe l'arbitre, ou, s'il n'agit plus à l'égard du compte spécial, le procureur général, et rembourse au ministre des Finances la somme reçue de l'autre source qui lui a également été versée par prélèvement sur le compte spécial.

(3) Le ministre des Finances peut recouvrer devant un tribunal compétent, à titre de créance de la Couronne, la somme que l'auteur d'une demande a reçue d'une autre source en indemnisation des pertes à l'égard desquelles il a reçu une indemnité prélevée sur le compte spécial.

(4) Le ministre des Finances dépose le montant de toute somme remboursée ou recouvrée dans le compte spécial sur lequel elle a été prélevée.

AIDE AUX VICTIMES D'ACTES CRIMINELS

11. (1) Le procureur général peut prélever des fonds sur un compte spécial pour verser des subventions à toute personne ou tout organisme afin d'aider les victimes d'actes criminels.

(2) Le procureur général établit des critères et des lignes directrices qui régissent le versement des subventions, notamment l'admissibilité de personnes et d'organismes.

ENTRÉE EN VIGUEUR

Entrée en vigueur

12. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du jour de la proclamation en vigueur du paragraphe 13 (1) de la Loi.

25/03

CORRECTION

Ontario Regulation 48/03 under the *Securities Act* published in the March 15, 2003 issue of *The Ontario Gazette*.

The note which appears at the end of the regulation should have read as follows:

Note: The rule made by the Ontario Securities Commission on January 28, 2003 entitled "Ontario Securities Commission Rule 13-502 *Fees*" comes into force on March 31, 2003.

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—06—28

ONTARIO REGULATION 237/03

made under the

PUBLIC LANDS ACT

Made: June 4, 2003

Filed: June 9, 2003

Amending O. Reg. 805/94

(Conservation Reserve)

Note: Since the end of 2002, Ontario Regulation 805/94 has been amended by Ontario Regulation 208/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 805/94 is amended by adding the following Schedules:

SCHEDULE 211

CONROYS MARSH CONSERVATION RESERVE

In the geographic Township of Radcliffe, now in the municipal Township of Madawaska Valley, and in the geographic Township of Raglan, now in the municipal Township of Brudenell, Lyndoch and Raglan, in the County of Renfrew, and in the geographic Township of Carlow, now in the municipal Township of Carlow/Mayo, in the County of Hastings, containing 2,049 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 32, both inclusive, on a plan known as C54 Conroys Marsh Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 212

CONSTANT CREEK SWAMP AND FEN CONSERVATION RESERVE

In the geographic Townships of Blithfield and Bagot, in the Municipal Township of Greater Madawaska, in the County of Renfrew, containing 540 hectares, more or less, being composed of those parts of the said townships designated as Parts 1 to 6, all inclusive, on a plan known as C48 Constant Creek Swamp and Fen Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 213

CRANE LAKE FOREST CONSERVATION RESERVE

In the geographic Township of Conger in the municipal Township of The Archipelago, and in the geographic Township of Foley in the municipal Township of Seguin, in the Territorial District of Parry Sound, containing 387 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 4, both inclusive, on a plan known as C27 Crane Lake Forest Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 214

ELZEVIR PEATLANDS CONSERVATION RESERVE

In the geographic Townships of Grimsthorpe and Elzevir, in the Municipality of Tweed, in the County of Hastings, and in the geographic Townships of Anglesea and Kaladar, in the municipal Township of Addington Highlands, in the County of Lennox and Addington, containing 2,246 hectares, more or less, being composed of those parts of the said townships designated as Parts 1 to 13, both inclusive, on a plan known as C17 Elzevir Peatlands Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 215

GIBSON RIVER CONSERVATION RESERVE

In the geographic Township of Gibson, in the municipal Township of Georgian Bay, in The District Municipality of Muskoka, containing 172 hectares, more or less, being composed of those parts of the said geographic township designated as Parts 1 to 9, both inclusive, on a plan known as C33 Gibson River Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 216

LINGHAM LAKE CONSERVATION RESERVE

In the geographic Township of Grimsthorpe, in the Municipality of Tweed, in the County of Hastings, containing 1,988 hectares, more or less, being composed of those parts of the said township designated as Parts 1 to 10, all inclusive, on a plan known as C11 Lingham Lake Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 217

LITTLE MISSISSIPPI RIVER CONSERVATION RESERVE

In the geographic Township of Ashby, now in the municipal Township of Addington Highlands, County of Lennox and Addington, and in the geographic Township of Raglan, now in the Municipal Township of Brudenell, Lyndoch and Raglan, County of Renfrew, and in the geographic Townships of Carlow and Mayo, now in the municipal Township of Carlow/Mayo, County of Hastings, containing 916 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 60, both inclusive, on a plan known as C55 Little Mississippi River Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 218

MOUNT MORIAH CONSERVATION RESERVE

In the geographic Township of Grimsthorpe, in the Municipality of Tweed, in the County of Hastings, containing 2,319 hectares, more or less, being composed of those parts of the said township designated as Parts 1 to 13, both inclusive, on a plan known as C18 Mount Moriah Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 219

MUD LAKE/CREEK CONSERVATION RESERVE

In the geographic Township of Stafford, in the municipal Township of Laurentian Valley, and in the geographic Township of Westmeath, in the municipal Township of Whitewater Region, in the County of Renfrew, containing 158 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 3, both inclusive, on a plan known as C59 Mud Lake/Creek Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 220

NAISCOOT FOREST CONSERVATION RESERVE

In the geographic Township of Harrison, in the municipal Township of The Archipelago, in the Territorial District of Parry Sound, containing 375 hectares, more or less, being composed of that part of the said geographic township designated as Part 1 on a plan known as C116 Naiscoot Forest Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 221

POINTE AU BARIL FORESTS AND WETLANDS CONSERVATION RESERVE

In the geographic Township of Harrison, in the municipal Township of The Archipelago, in the Territorial District of Parry Sound, containing 2,366 hectares, more or less, being composed of those parts of the said geographic township designated as Parts 1 to 20, both inclusive, on a plan known as C302 Pointe Au Baril Forests And Wetlands Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 222

SEVERN RIVER CONSERVATION RESERVE

In the geographic Township of Baxter, now in the municipal Township of Georgian Bay and in the geographic Township of Wood, now in the municipal Township of Muskoka Lakes, both in The District Municipality of Muskoka, containing 9,927 hectares, more or less, being composed of those parts of the said townships designated as Parts 1 to 97, both inclusive, on a plan known as C30 Severn River Conservation Reserve, filed on April 15, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 223

SILVER CREEK PEATLAND CONSERVATION RESERVE

In the geographic Township of Algona, in the municipal Township of Bonnechere Valley, in the County of Renfrew, containing 281 hectares, more or less, being composed of those parts of the said township designated as Parts 1 to 4, both inclusive, on a plan known as C61 Silver Creek Peatland Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 224

SNAKE RIVER MARSH CONSERVATION RESERVE

In the geographic Township of Bromley in the municipal Township of Admaston/Bromley, in the County of Renfrew, containing 213 hectares, more or less, being composed of that part of the said geographic Township of Bromley designated as Part 1 on a plan known as C44 Snake River Marsh Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 225

WAHWASHKESH-NAISCOOT CONSERVATION RESERVE

In the geographic Township of Burton, now in the Municipality of Whitestone, and in the geographic Township of Harrison, now in the municipal Township of The Archipelago, in the Territorial District of Parry Sound, containing 1,734 hectares, more or less, being composed of those parts of the said townships designated as Parts 1 to 46, both inclusive, on a plan known as C326 Wahwashkesh-Naiscoot Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 226

WESTMEATH BOG CONSERVATION RESERVE

In the geographic Township of Westmeath, in the municipal Township of Whitewater Region, in the County of Renfrew, containing 43 hectares, more or less, being composed of that part of the said township designated as Part 1 on a plan known as C43 Westmeath Bog Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 227

WHITE LAKE CONSERVATION RESERVE

In the geographic Township of Darling, in the municipal Township of Lanark Highlands, and in the geographic Township of Pakenham, in the Town of Mississippi Mills, in the County of Lanark, containing 187 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 10, both inclusive, on a plan known as C46 White Lake Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 228

UPPER SHEBESHEKONG WETLAND CONSERVATION RESERVE

In the geographic Township of Shawanaga, now in the municipal Township of The Archipelago, and in the geographic Township of Shawanaga, and in the geographic Township of Carling, now in the municipal Township of Carling, in the Territorial District of Parry Sound, containing 5,304 hectares, more or less, being composed of those parts of the said townships designated as Parts 1 to 24, both inclusive, on a plan known as C115 Upper Shebeshekong Wetland Conservation Reserve, filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

ONTARIO REGULATION 238/03

made under the

PROVINCIAL PARKS ACT

Made: June 4, 2003

Filed: June 9, 2003

Amending Reg. 951 of R.R.O. 1990
(Designation of Parks)

Note: Since the end of 2002, Regulation 951 has been amended by Ontario Regulation 210/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Section 2 of Regulation 951 of the Revised Regulations of Ontario, 1990 is amended by adding the following descriptions:

ALEXANDER STEWART PROVINCIAL PARK (NATURE RESERVE CLASS)

In the geographic Township of McNab, in the municipal Township of McNab/Braeside, in the County of Renfrew, containing 30 hectares, more or less, being composed of that part of the said geographic township designated as Part 1 on a plan known as P45 Alexander Stewart Provincial Park (Nature Reserve Class), filed on April 22, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

BONNECHERE RIVER PROVINCIAL PARK (WATERWAY CLASS) ADDITION

In the geographic Township of Burns, in the municipal Township of Madawaska Valley, in the County of Renfrew, containing 20 hectares, more or less, being composed of that part of the said geographic Township of Burns designated as Part 1 on a plan known as P60 Bonnechere River Provincial Park (Waterway Class) Addition, filed on April 22, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

BURNT LANDS PROVINCIAL PARK (NATURE RESERVE CLASS)

In the geographic Township of Huntley, in the City of Ottawa, and in the geographic Township of Ramsay, in the Town of Mississippi Mills, in the County of Lanark, containing 516 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 3, both inclusive, on a plan known as P47 Burnt Lands Provincial Park (Nature Reserve Class), filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

(2) Section 2 of the Regulation is amended by striking out the heading "Dalton Digby Wildlands Provincial Park (Natural Environment Class)" and the description.

(3) Section 2 of the Regulation is amended by adding the following descriptions:

GRUNDY LAKE PROVINCIAL PARK (NATURAL ENVIRONMENT CLASS)

In the geographic Township of Mowat, in the Territorial District of Parry Sound, containing 3,614 hectares, more or less, being composed of those parts of the said geographic township designated as Parts 1 to 6, both inclusive, on a plan known as Grundy Lake Provincial Park (Natural Environment Class), filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

MAGNETAWAN RIVER PROVINCIAL PARK (WATERWAY CLASS)

In the geographic Township of Harrison, now in the municipal Township of The Archipelago, and in the Geographic Township of Burton, in the Municipality of Whitestone, and in the Geographic Townships of Harrison, Brown and Wallbridge, in the Territorial District of Parry Sound, containing 3,424 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1, 2 and 3 on a plan known as P316 Magnetawan River Provincial Park (Waterway Class), filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

NOGANOSH LAKE PROVINCIAL PARK (WATERWAY CLASS)

In the geographic Townships of Blair, Brown, Wallbridge, and Wilson, in the Territorial District of Parry Sound, containing 3,082 hectares, more or less, being composed of that part of the said geographic townships designated as Part 1 on a plan known as P317 Noganosh Lake Provincial Park (Waterway Class), filed on March 7, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

QUEEN ELIZABETH II WILDLANDS PROVINCIAL PARK (NATURAL ENVIRONMENT CLASS)

In the geographic Townships of Dalton and Digby, in the City of Kawartha Lakes, and in the geographic Township of Ryde, in the Town of Gravenhurst, in The District Municipality of Muskoka, and in the geographic Townships of Anson and Lutterworth, in the Municipal Township of Minden Hills, in the County of Haliburton, containing 33,505 hectares, more or less, being composed of those parts of the said geographic townships designated as Parts 1 to 14, both inclusive, on a plan known as Queen Elizabeth II Wildlands Provincial Park (Natural Environment Class), filed on April 23, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

2. (1) The Table to the Regulation is amended by adding the following item:

Bonnechère River Provincial Park (Waterway Class) Addition	Section 2
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(2) The Table to the Regulation is amended by striking out,

Grundy Lake Provincial Park	Schedule 29, Appendix B
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and substituting the following:

Grundy Lake Provincial Park	Section 2
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26/03

ONTARIO REGULATION 239/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: June 4, 2003

Filed: June 9, 2003

Amending O. Reg. 663/98

(Area Descriptions)

Note: Since the end of 2002, Ontario Regulation 663/98 has been amended by Ontario Regulations 130/03 and 207/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Schedule 78 of Part 3 of Ontario Regulation 663/98 is revoked and the following substituted:

SCHEDULE 78

Queen Elizabeth II Wildlands Provincial Park.

(2) Part 3 of the Regulation is amended by adding the following Schedules:

SCHEDULE 107

Magnetawan River Provincial Park.

SCHEDULE 108

Noganosh Lake Provincial Park.

26/03

ONTARIO REGULATION 240/03

made under the

PUBLIC LANDS ACT

Made: June 4, 2003

Filed: June 9, 2003

Amending O. Reg. 805/94

(Conservation Reserve)

Note: Since the end of 2002, Ontario Regulation 805/94 has been amended by Ontario Regulations 208/03 and 237/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 805/94 is amended by adding the following Schedules:**SCHEDULE 229****EAST BAY CONSERVATION RESERVE**

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 1,894 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as C2265 East Bay Conservation Reserve, filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 230**LAKE NIPIGON CONSERVATION RESERVE**

In the geographic Townships of Innes and Barbara, and in unsurveyed territory, in the Territorial District of Thunder Bay, containing 188,136 hectares, more or less, being composed of those parts of the said geographic townships and unsurveyed territory designated as Part 1, Parts 3 to 14, both inclusive, and together with those islands or portions of islands lying within Part 2, all on a plan known as C2247 Lake Nipigon Conservation Reserve, filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 231**NIPIGON PALISADES CONSERVATION RESERVE**

In the geographic Townships of Purdom and Ledger, and in unsurveyed territory in the Municipality of Greenstone, and in unsurveyed territory, in the Territorial District of Thunder Bay, containing 11,522 hectares, more or less, being composed of those parts of the said townships and unsurveyed territory designated as Parts 1 to 8, both inclusive, on a plan known as C2238 Nipigon Palisades Conservation Reserve, filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 232**NIPIGON RIVER CONSERVATION RESERVE**

In the geographic Townships of Booth and Purdom, and in unsurveyed territory, in the Territorial District of Thunder Bay, containing 2,650 hectares, more or less, being composed of those parts of the said townships and unsurveyed territory designated as Parts 1 to 5, both inclusive, on a plan known as C2383 Nipigon River Conservation Reserve, filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

SCHEDULE 233**OTTERTOOTH CONSERVATION RESERVE**

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 28,793 hectares, more or less, being composed of those parts of the said unsurveyed territory designated as Parts 1 and 2, on a plan known as C2262 Ottertooth Conservation Reserve, filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

26/03

ONTARIO REGULATION 241/03

made under the

PROVINCIAL PARKS ACT

Made: June 4, 2003

Filed: June 9, 2003

Amending Reg. 951 of R.R.O. 1990

(Designation of Parks)

Note: Since the end of 2002, Regulation 951 has been amended by Ontario Regulations 210/03 and 238/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Section 2 of Regulation 951 of the Revised Regulations of Ontario, 1990 is amended by striking out under the heading "Black Sturgeon River Provincial Park (Waterway Class)" the description and substituting the following:

In the geographic Townships of Adamson, Lyon, Church, Hele, McMaster, Cockeram and Graydon, and in the geographic Township of Nipigon, in the municipal Townships of Red Rock and Nipigon, and unsurveyed territory, in the Territorial District of Thunder Bay, containing 23,531 hectares, more or less, being composed of those parts of the said geographic townships and unsurveyed territory designated as Parts 1, 2 and 3 on a plan known as Black Sturgeon River Provincial Park (Waterway Class), filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

(2) Section 2 of the Regulation is amended by adding the following descriptions:

GULL RIVER PROVINCIAL PARK (WATERWAY CLASS)

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 7,194 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1, on a plan known as P2261 Gull River Provincial Park (Waterway Class), filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

KOPKA RIVER PROVINCIAL PARK (WATERWAY CLASS)

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 31,205 hectares, more or less, being composed of those parts of the said unsurveyed territory designated as Parts 1, 2 and 3 on a plan known as Kopka River Provincial Park (Waterway Class), filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

OBONGA-OTTERTOOTH PROVINCIAL PARK (WATERWAY CLASS)

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 21,157 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as Obonga-Ottertooth Provincial Park (Waterway Class), filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

WHITESAND PROVINCIAL PARK (WATERWAY CLASS)

In unsurveyed territory, in the Territorial District of Thunder Bay, containing 11,337 hectares, more or less, being composed of that part of the said unsurveyed territory designated as Part 1 on a plan known as P2253 Whitesand Provincial Park (Waterway Class), filed on May 5, 2003 with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources.

2. The Table to the Regulation is amended by striking out,

Kopka River Provincial Park	Schedule 252, Appendix B
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and substituting the following:

Kopka River Provincial Park	Section 2
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26/03

ONTARIO REGULATION 242/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: June 4, 2003

Filed: June 9, 2003

Amending O. Reg. 663/98

(Area Descriptions)

Note: Since the end of 2002, Ontario Regulation 663/98 has been amended by Ontario Regulations 130/03, 207/03 and 239/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Part 3 of Ontario Regulation 663/98 is amended by adding the following Schedules:**SCHEDULE 109**

Gull River Provincial Park.

SCHEDULE 110

Obonga-Ottertooth Provincial Park.

SCHEDULE 111

Whitesand Provincial Park.

26/03

ONTARIO REGULATION 243/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: June 11, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03, 32/03, 125/03, 192/03 and 193/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by striking out the following item:

Column 1	Column 2
Renfrew (No. 49)	January 13, 2003

(2) The Table to subsection 3 (2) of the Regulation is amended by adding the following item:

Column 1	Column 2
Renfrew (No. 49)	June 11, 2003

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Dated on February 10, 2003.

26/03

ONTARIO REGULATION 244/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: June 11, 2003

Amending O. Reg. 16/99
(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03, 32/03, 125/03, 192/03, 193/03, and 243/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by striking out the following item:

Column 1	Column 2
Lanark (No. 27)	January 13, 2003

- (2) The Table to subsection 3 (2) of the Regulation is amended by adding the following item:

Column 1	Column 2
Lanark (No. 27)	June 11, 2003

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Dated on February 10, 2003.

26/03

ONTARIO REGULATION 245/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: June 11, 2003

Amending O. Reg. 16/99
(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03, 32/03, 125/03, 192/03, 193/03, 243/03 and 244/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by striking out the following item:

Column 1	Column 2
Russell (No. 50)	January 13, 2003

- (2) The Table to subsection 3 (2) of the Regulation is amended by adding the following item:

Column 1	Column 2
Russell (No. 50)	June 11, 2003

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Dated on February 10, 2003.

26/03

ONTARIO REGULATION 246/03

made under the

HIGHWAY TRAFFIC ACT

Made: June 4, 2003

Filed: June 11, 2003

Amending Reg. 615 of R.R.O. 1990

(Signs)

Note: Regulation 615 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 5 (1) of Regulation 615 of the Revised Regulations of Ontario, 1990 is amended by striking out the portion before clause (a) and substituting the following:

(1) Where the council of a municipality designates a portion of a highway under subsection 128 (5) of the Act, a speed limit sign,

.

(2) Figures A and B to subsection 5 (1) of the Regulation are revoked and the following substituted:

Figure A

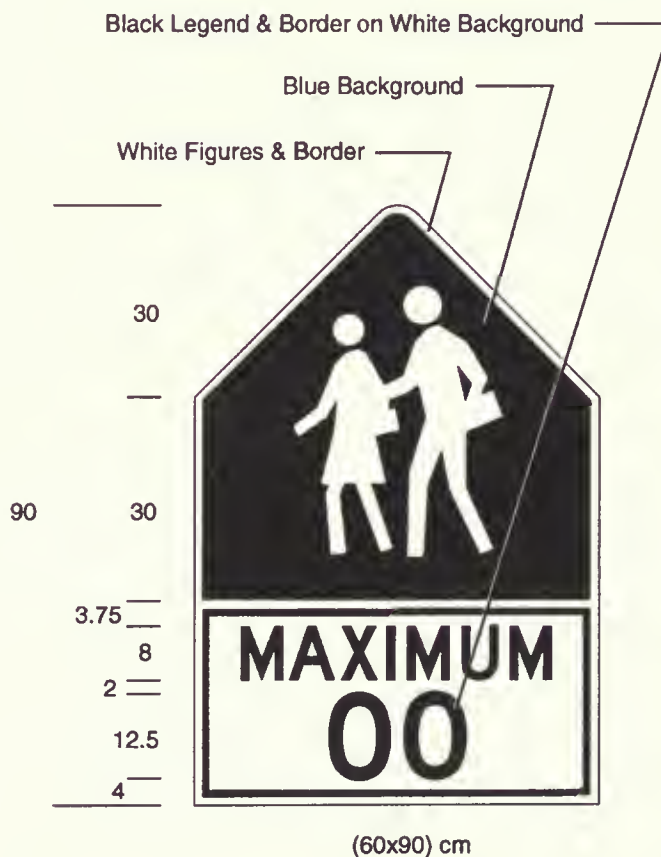
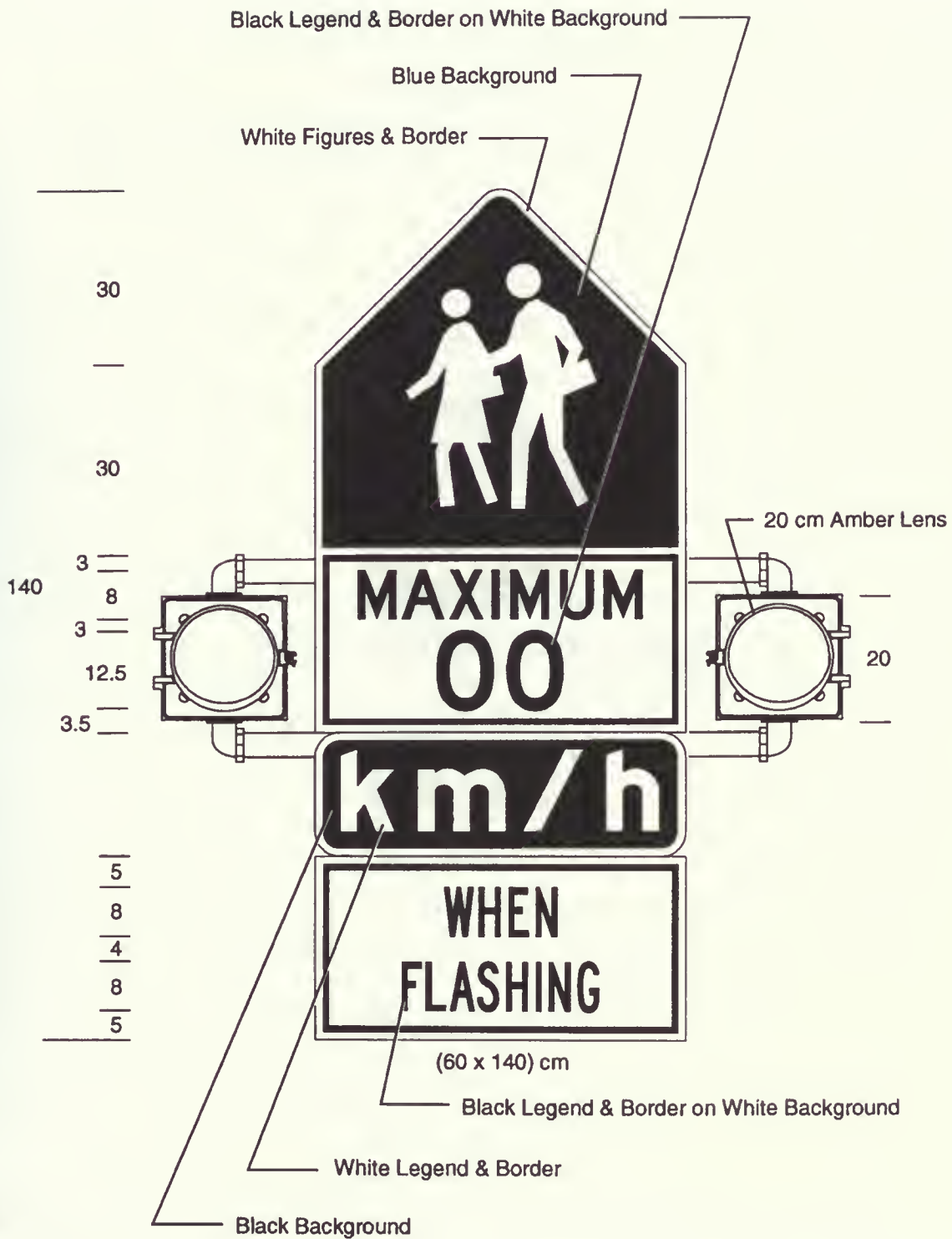


Figure B



(3) Section 5 of the Regulation is amended by adding the following subsection:

(1.0.1) A speed limit sign that is similar to the sign illustrated in Figure A or Figure B to subsection (1), except that it bears the markings "MAX. SPEED 40" instead of "MAXIMUM 00", and that is in place on the day this subsection comes into force, shall be deemed to comply with clause (1) (a) or (b), as the case may be, until it is replaced.

(4) Subclause 5 (1.1) (a) (i) of the Regulation is revoked and the following substituted:

(i) has the dimensions and bears the markings as illustrated in Figure A to subsection (1), and

(5) Clause 5 (1.1) (b) of the Regulation is revoked and the following substituted:

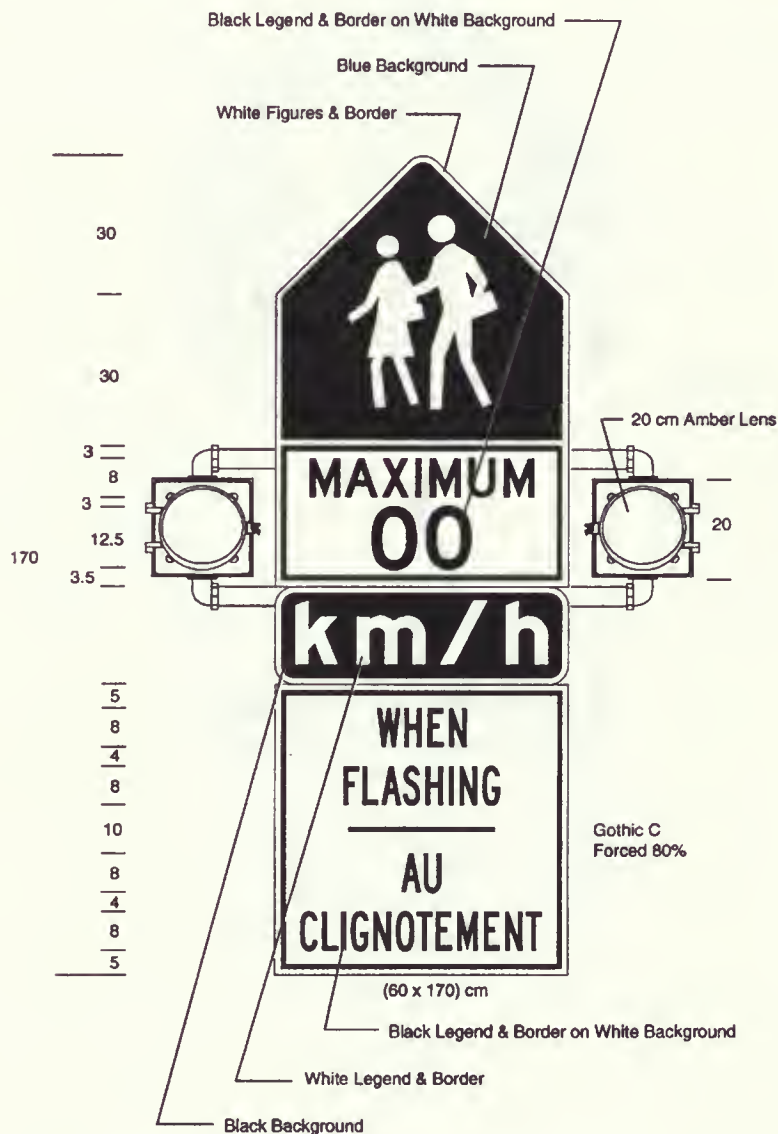
(b) that,

(i) has the dimensions and bears the markings as illustrated in Figure C, or

(ii) is similar to the sign in Figure C except that it does not include a tab sign bearing the legend "km/h".

(6) Figures C and D to subsection 5 (1.1) of the Regulation are revoked and the following substituted:

Figure C

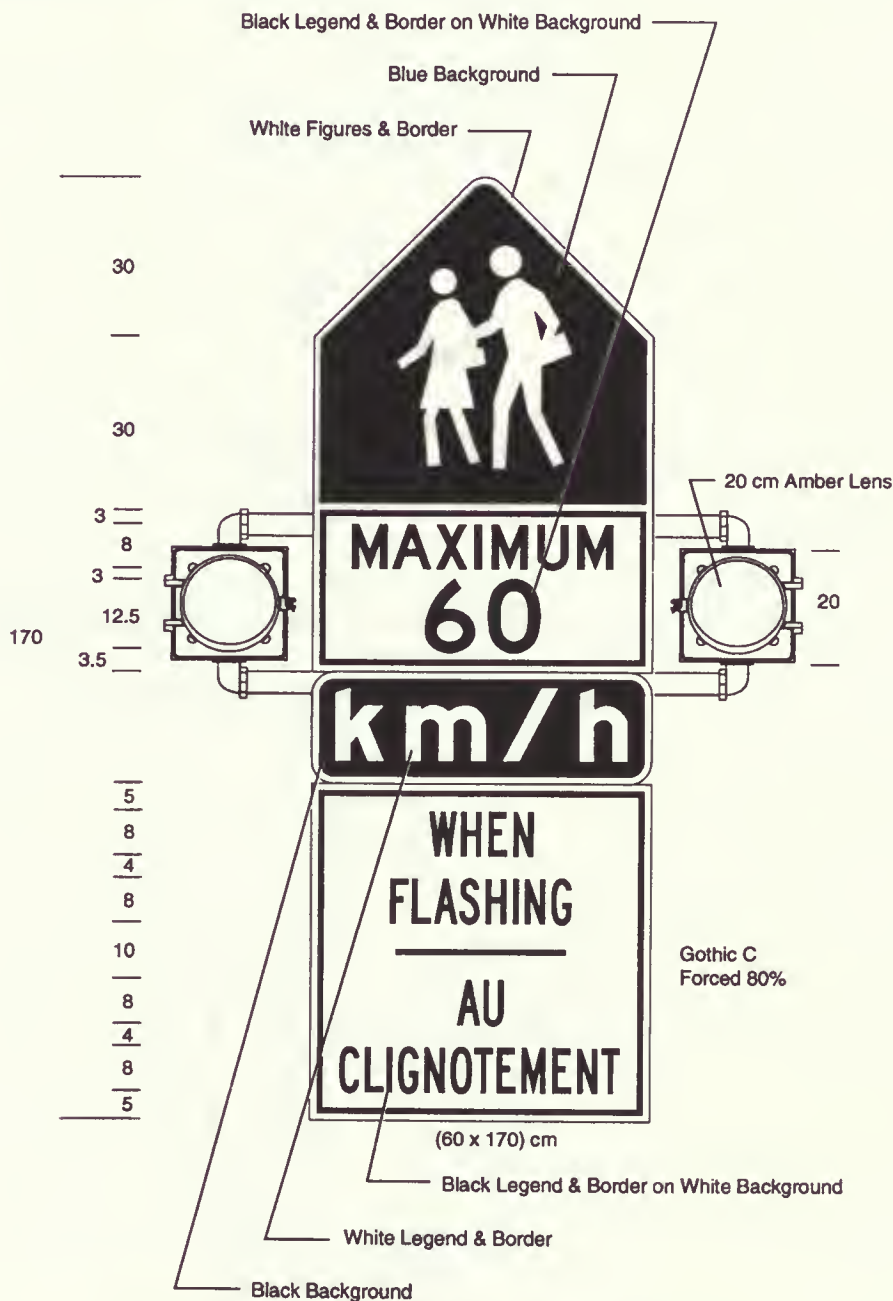


(7) Subsection 5 (5) of the Regulation is revoked and the following substituted:

(5) A sign referred to in clauses (1) (a) and (b) shall be not less than 30 centimetres in height and not less than 60 centimetres in width and bear the legend "MAXIMUM" in black letters not less than 8 centimetres in height and display the speed limit prescribed by by-law in black numerals not less than 12.5 centimetres in height on a white background.

2. (1) Section 5.1 of the Regulation is amended by adding the following subsection:

(1.1) Despite subsection (1), if the Minister prescribes a rate of speed of 60 kilometres per hour for motor vehicles driven on a portion of the King's Highway adjacent to a school that is in an area designated by the *French Language Services Act*, a speed limit sign shall be erected in accordance with section 4 at the start of the portion of the highway designated and have the dimensions and bear the markings as illustrated in the following Figure:



(2) Subsection 5.1 (2) of the Regulation is amended by striking out "If a sign referred to in subsection (1) is erected" at the beginning and substituting "If a sign referred to in subsection (1) or (1.1) is erected".

(3) Subsection 5.1 (3) of the Regulation is amended by striking out "A sign referred to in subsection (1)" at the beginning and substituting "A sign referred to in subsection (1) or (1.1)".

(4) Subsection 5.1 (5) of the Regulation is amended by adding "or (1.1)" at the end.

3. (1) Subclause 41 (1) (a) (ii) of the Regulation is amended by striking out "MAXIMUM WEIGHT" and substituting "MAXIMUM".

(2) Figure 1 to clause 41 (1) (a) of the Regulation is revoked and the following substituted:

Figure 1

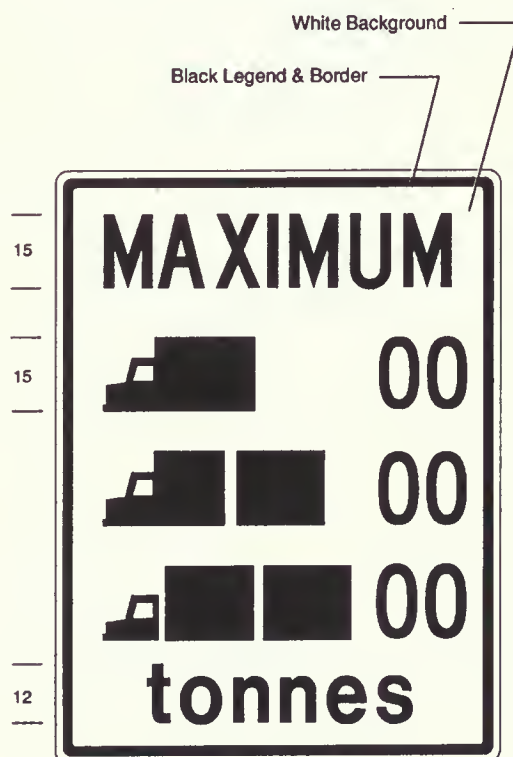


(3) Clause 41 (1) (a.1) and Figure 1.1 of the Regulation are revoked.

(4) Subclause 41 (1) (b) (ii) of the Regulation is amended by striking out “MAXIMUM WEIGHT” and substituting “MAXIMUM”.

(5) Figure 2 to clause 41 (1) (b) of the Regulation is revoked and the following substituted:

Figure 2



(6) **Clause 41 (1) (b.1) and Figure 2.1 of the Regulation are revoked.**

(7) **Section 41 of the Regulation is amended by adding the following subsection:**

(1.1) A sign that is similar to Figure 1 to clause (1) (a) or Figure 2 to clause (1) (b), except that it bears the words "MAXIMUM WEIGHT" instead of "MAXIMUM", and that is in place on the day this subsection comes into force, shall be deemed to comply with clause (1) (a) or (b), as the case may be, until it is replaced.

26/03

ONTARIO REGULATION 247/03

made under the

RETAIL SALES TAX ACT

Made: June 11, 2003

Filed: June 12, 2003

Amending Reg. 1013 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 1013 has been amended by Ontario Regulation 27/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of "capital investment" in section 1 of Regulation 1013 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"capital investment" means, in respect of a religious, charitable or benevolent organization, the result of any construction project that, when complete, is real property, including real property that is leasehold property;

2. (1) Subsection 14 (2.2) of the Regulation is revoked and the following substituted:

(2.2) Subject to subsection (2.2.1), a religious, charitable or benevolent organization is not eligible for a rebate in respect of the purchase, lease or acquisition of a building or structure.

(2.2.1) A religious, charitable or benevolent organization is eligible for a rebate in respect of the lease of a building or structure if,

(a) the lease is for a period of not less than 20 years;

(b) under the terms of the lease, possession of the building or structure is to be transferred to the organization immediately following substantial completion of the building or structure; and

(c) the organization has the right to acquire the building or structure for nil or nominal consideration after the period described in clause (a).

(2) Subsection 14 (3) of the Regulation is amended by striking out "organization" and substituting "organization or the lessor".

(3) Subsection 14 (4) of the Regulation is amended by striking out "benevolent organization" and substituting "benevolent organization or the lessor".

(4) Section 14 of the Regulation is amended by adding the following subsection:

(4.1) If a construction contract pursuant to an arrangement described in subsection (2.2.1) was entered into before March 28, 2003, the amount of the rebate to the governing body of the religious, charitable or benevolent organization shall be determined under subsection (4) using as a total contract price the amount of the total contract price, as otherwise determined, that is paid on or after that date.

(5) Subsection 14 (6) of the Regulation is amended by striking out "organization" and substituting "organization or the lessor".

(6) Section 14 of the Regulation is amended by adding the following subsection:

(11) In this section,

"lessor" means the lessor under a lease of a building or structure in respect of which a religious, charitable or benevolent organization is eligible for a rebate under this section by reason of subsection (2.2.1).

3. This Regulation shall be deemed to have come into force on March 28, 2003.

26/03

CORRECTION

Ontario Regulation 6/03 under the *Land Registration Reform Act* published in the February 1, 2003 issue of *The Ontario Gazette*.

The item in Column 1 should have read Renfrew (No. 49).

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—07—05

ONTARIO REGULATION 248/03

made under the

SAFE DRINKING WATER ACT, 2002

Made: June 11, 2003

Filed: June 16, 2003

DRINKING-WATER TESTING SERVICES

Definitions

1. (1) In paragraph 4 of subsection 75 (3) of the Act and in this Regulation,

“sub-contract with another person” includes, with respect to a sample submitted to a laboratory for testing, arranging with another person for the testing to be conducted at another laboratory, even if the two laboratories are owned or operated by the same person.

(2) In this Regulation,

“certified operator” has the same meaning as in Ontario Regulation 170/03 (Drinking-Water Systems);

“water quality analyst” has the same meaning as in Ontario Regulation 170/03.

Tests at drinking-water systems that do not require drinking-water testing licence

2. (1) Tests for the following parameters are prescribed tests for the purpose of subsection 63 (2) of the Act:

1. Alkalinity.
2. Aluminium.
3. Chloride.
4. Chlorine dioxide.
5. Colour.
6. Copper.
7. Dissolved organic carbon.
8. Fluoride.
9. Free chlorine residual.
10. Free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual.
11. Hardness.
12. Iron.
13. Manganese.
14. Methane.
15. Odour.
16. Organic nitrogen.
17. pH.
18. Sulphate.
19. Sulphide.

20. Taste.
21. Temperature.
22. Total dissolved solids.
23. Turbidity.
24. Zinc.

(2) With respect to a test referred to in subsection (1), a person must have at least one of the following qualifications for the purpose of subsection 63 (2) of the Act:

1. The person must be a certified operator or a water quality analyst.
2. The person must, in the preceding 36 months, have successfully completed a course approved by the Director that relates to the operation and routine maintenance of drinking-water systems, including the conduct of the tests referred to in subsection (1).

(3) Subsection 11 (3) of the Act does not apply to an owner or operating authority of a drinking-water system with respect to a drinking-water testing service described in subsection 63 (2) of the Act.

Drinking-water testing licence not required for inspectors, etc.

3. Subsection 63 (1) of the Act does not apply to any of the following persons with respect to a test listed in subsection 2 (1) of this Regulation:

1. A provincial officer or a person acting under the supervision of a provincial officer.
2. A medical officer of health, a public health inspector within the meaning of the *Health Protection and Promotion Act*, or a person acting under the supervision of a public health inspector.
3. An inspector appointed under section 80 of the *Health Protection and Promotion Act*.
4. An inspector appointed under section 6 of the *Occupational Health and Safety Act*.
5. A professional engineer as defined in the *Professional Engineers Act*, or a person acting under the supervision of a professional engineer.

Continuous monitoring equipment and microbiological in-line testing equipment

4. (1) Subsections 11 (3) and 63 (1) of the Act do not apply with respect to tests for the following parameters that are conducted using continuous monitoring equipment that forms part of a drinking-water system:

1. Alkalinity.
2. Aluminium.
3. Chlorine dioxide.
4. Colour.
5. Fluoride.
6. Free chlorine residual.
7. Free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual.
8. Hardness.
9. Methane.
10. Odour.
11. pH.
12. Taste.
13. Temperature.
14. Turbidity.

(2) Subsections 11 (3) and 63 (1) of the Act do not apply with respect to tests for a microbiological parameter that are conducted using microbiological in-line testing equipment that forms part of a drinking-water system, if the Director is of the opinion that the testing method used by the equipment and the person operating the equipment is equivalent to a testing method for the parameter that is accredited by an accreditation body for drinking-water testing that is designated or established under the Act.

Research and method development

5. Subsections 11 (3) and 63 (1) of the Act do not apply with respect to tests that meet the following criteria:

1. The tests are conducted by a person who provides a drinking-water testing service at a laboratory.
2. The tests are conducted for the sole purpose of carrying out research or developing testing methods and the purpose is outlined in a written research proposal.
3. The tests are not paid for on a fee per test basis.

List of out-of-province eligible laboratories

6. The following requirements are prescribed for the purpose of clause 11 (5) (b) of the Act:

1. Written permission has been given for a provincial officer to inspect the laboratory before the laboratory is added to the list, if the permission is requested by the Director.
2. Written permission has been given for provincial officers to inspect the laboratory, on 24 hours notice, at any time after the laboratory is added to the list.
3. The person who will provide drinking-water testing services at the laboratory has agreed in writing,
 - i. not to sub-contract with another person to perform a drinking-water testing service at another laboratory in relation to a sample submitted for testing,
 - ii. to comply with,
 - A. sections 18, 67 and 69 of the Act,
 - B. sections 9 to 13 of this Regulation, and
 - C. Schedule 16 to Ontario Regulation 170/03 (Drinking-Water Systems), and
 - iii. to comply with the conditions in paragraphs 3 and 4 of section 8 of this Regulation as if the person held a drinking-water testing licence.
4. The Director is satisfied that,
 - i. drinking-water testing services will be provided at the laboratory in accordance with the agreement referred to in paragraph 3, and, for that purpose, the laboratory has suitable resources, including facilities, staff, technical resources and records management systems, and
 - ii. drinking-water testing services will be provided at the laboratory with competence, honesty and integrity.

Expiry date of drinking-water testing licence

7. (1) A drinking-water testing licence expires on a date set out in the licence that is not later than the fifth anniversary of the date it was issued or renewed.

(2) If a drinking-water testing licence is amended, the Director may extend the expiration date of the licence to a date that is not later than the fifth anniversary of the date of the amendment.

Conditions of drinking-water testing licence

8. The following conditions are prescribed for the purpose of paragraph 6 of subsection 75 (3) of the Act:

1. If the Director gives the licensee a certificate confirming that the licensee holds a licence, the licensee shall ensure that the certificate is conspicuously displayed so that it can be viewed by persons who go to the laboratory specified in the licence to submit samples for drinking-water tests.
2. The licensee shall not sub-contract with another person to perform a drinking-water testing service at another laboratory in relation to a sample submitted for testing unless the licensee gives the other person a copy of the record made under subsection 10 (2).
3. The licensee shall develop and maintain written policies and procedures for handling samples, conducting drinking-water tests and reporting the results.
4. If the Director submits samples to the licensee for the purpose of a performance evaluation, the licensee shall conduct such tests as are specified by the Director and shall report the results to the Director in such manner and within such time as is specified by the Director.

Handling samples: directions to person who submits samples

9. (1) If, before submitting samples for drinking-water tests, a person makes an arrangement with a person who provides drinking-water testing services,

- (a) the person who provides drinking-water testing services shall give the other person directions on the handling of the samples, including any directions that the person who provides drinking-water testing services considers appropriate with respect to,
 - (i) collection procedures,
 - (ii) the use of specified kinds of containers or of containers that are provided by the person who provides drinking-water testing services,
 - (iii) the labelling of samples,
 - (iv) the completion and submission of forms that are provided by the person who provides drinking-water testing services,
 - (v) methods of transporting samples, including temperature conditions that must be maintained during transportation, and
 - (vi) time periods for delivery of samples; or
 - (b) the person who provides drinking-water testing services shall review the other person's procedures for the handling of samples and direct the person to follow those procedures, subject to such modifications as the person who provides drinking-water testing services considers appropriate, including modifications with respect to the matters listed in clause (a).
- (2) A person who provides drinking-water testing services shall make a record of all directions given under subsection (1).

Handling samples: by person who provides testing services

10. (1) When a sample is submitted for a drinking-water test to a person who provides drinking-water testing services, the person who provides drinking-water testing services shall,

- (a) store the sample in a secure manner;
- (b) ensure that the analyte of interest in the sample does not degrade or undergo chemical or biological changes while in the person's custody;
- (c) appropriately label the sample;
- (d) track the custody of the sample at all times using chain of custody procedures approved in writing by the Director; and
- (e) retain the sample until the result of the drinking-water test has been reported in accordance with section 12.

(2) A person who provides drinking-water testing services shall not accept a sample for a drinking-water test without making a record of the acceptance of the sample in a form approved by the Director.

Testing protocols

11. (1) No person shall conduct a drinking-water test unless the test is conducted in accordance with a testing method that is,

- (a) designated as an acceptable testing method for that test in the document published by and available from the Ministry entitled "Protocol of Accepted Drinking-Water Testing Methods" and dated May 26, 2003, as amended from time to time; or
- (b) authorized for that test by a drinking-water testing licence that applies to the person.

(2) A person who is required to conduct drinking-water tests for more than one microbiological parameter,

- (a) shall conduct separate tests for each parameter; and
- (b) shall not infer the result for one parameter from a result obtained for another parameter.

Test reports

12. (1) After a drinking-water test is conducted by a person who provides drinking-water testing services, a person designated by the person who provides those services shall review the result of the test to determine whether to authorize the reporting of the result or to require the repetition of the test or other action.

(2) A person who provides drinking-water testing services shall, within 28 days after the reporting of a test result is authorized pursuant to subsection (1),

- (a) prepare a report on the result of the test in a form approved by the Director; and
- (b) send a copy of the report to the person named, on the form referred to in subsection 10 (2), as the person to whom the result should be sent.

(3) If a report prepared under subsection (2) relates to any of the following drinking-water tests, the person who prepared the report shall, within 28 days after the reporting of the test result is authorized pursuant to subsection (1), give a copy of the report to the Director in the manner approved by the Director:

1. A test required under Ontario Regulation 170/03 (Drinking-Water Systems).
2. A test required by an approval or order, including an order, direction or report in respect of a water works that was issued under the *Ontario Water Resources Act* before this Regulation came into force.
3. A test conducted by or pursuant to the direction of a provincial officer.

Testing records

13. (1) A person who provides drinking-water testing services shall ensure that the following documents are kept for at least five years:

1. All documents related to the submission, receipt, handling and testing of water samples for drinking-water tests, including the records made of directions given under section 9.
 2. All results of drinking-water tests, and related supporting documents.
 3. All reports on the results of drinking-water tests prepared under section 12, and all related supporting documents.
 4. All documents relating to reports made under section 18 of the Act or Schedule 16 to Ontario Regulation 170/03 (Drinking-Water Systems), including transmittal records.
 5. All documents related to staff training.
 6. All documents related to policies and procedures for handling samples, conducting drinking-water tests and reporting the results.
- (2) For the purpose of this section,
- (a) a reference in paragraph 1 or 2 of subsection (1) to drinking-water tests shall be deemed to include a reference to tests required under Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) or Ontario Regulation 505/01 (Drinking Water Protection — Small Water Works Serving Designated Facilities);
 - (b) a reference in paragraph 3 of subsection (1) to reports on the results of drinking-water tests prepared under section 12 shall be deemed to include a reference to reports prepared under subsection 7 (10) of Ontario Regulation 459/00 or subsection 10 (2) of Ontario Regulation 505/01.

Transition: Ministry of Health and Long-Term Care laboratories

14. (1) Ontario Ministry of Health and Long-Term Care laboratories are prescribed laboratories for the purpose of subsection 74 (4) of the Act and, with respect to those laboratories, membership in the College of Medical Laboratory Technologists of Ontario is the qualification that a person must have for the purpose of that subsection.

(2) Subsection (1) does not apply after September 30, 2004.

Transition: Exemptions from requirement for drinking-water testing licence

15. (1) Subsection 63 (1) of the Act does not apply to a person who provides a drinking-water testing service at a laboratory if,

- (a) before August 1, 2003, the person submitted an application for a drinking-water testing licence to the Director under section 72 of the Act; and
- (b) the only drinking-water tests conducted at the laboratory are tests for which the laboratory holds,
 - (i) an accreditation from the Standards Council of Canada, or
 - (ii) an accreditation that, in the Director's opinion, is equivalent to an accreditation from the Standards Council of Canada.

(2) Subsection (1) does not apply to a person after the Director makes a decision in respect of the person's application for a drinking-water testing licence.

(3) Subsection 63 (1) of the Act does not apply to a person who provides a drinking-water testing service at a laboratory if,

- (a) before August 1, 2003, the person submitted an application for a drinking-water testing licence to the Director under section 72 of the Act;
- (b) the Director refuses to issue a licence to the person and the person requires a hearing by the Tribunal under section 129 of the Act in respect of the refusal; and
- (c) the only drinking-water tests conducted at the laboratory are tests for which the laboratory holds,

- (i) an accreditation from the Standards Council of Canada, or
- (ii) an accreditation that, in the Director's opinion, is equivalent to an accreditation from the Standards Council of Canada.

(4) Subsection (3) does not apply to a person after the Tribunal's decision in respect of the Director's refusal to issue a licence to the person takes effect.

(5) Subsection (3) does not apply if the Chief Medical Officer of Health advises the Tribunal, the person and the Director in writing that, in his or her opinion, exempting the person from subsection 63 (1) of the Act would endanger, or likely endanger, public health.

(6) A person who is exempt from subsection 63 (1) of the Act pursuant to subsection (1) or (3) shall not conduct a drinking-water test unless the test is conducted in accordance with a testing method that is,

- (a) designated as an acceptable testing method for that test in the document published by and available from the Ministry entitled "Protocol of Accepted Drinking-Water Testing Methods" and dated May 26, 2003, as amended from time to time; or
- (b) approved in writing by the Director.

(7) A person who is exempt from subsection 63 (1) of the Act pursuant to subsection (1) or (3) shall comply with the conditions in paragraphs 4 to 6 of subsection 75 (3) of the Act as if the person held a drinking-water testing licence.

(8) Subsection 63 (1) of the Act does not apply to a person who conducts a test required by Schedule 8 or 9 to Ontario Regulation 170/03 (Drinking-Water Systems) if, pursuant to section 8-7 of Schedule 8 or section 9-8 of Schedule 9 to that regulation, the test may be conducted by any person.

(9) Subsection 11 (3) of the Act does not apply to an owner or operating authority of a drinking-water system with respect to a drinking-water testing service obtained from a person who, pursuant to this section, is exempt from subsection 63 (1) of the Act.

Commencement

16. (1) Subject to subsections (2) to (4), this Regulation comes into force on the day section 63 of the *Safe Drinking Water Act, 2002* comes into force.

(2) Sections 1 and 13 come into force on the day this Regulation is filed.

(3) Sections 6, 7, 8 and 14 come into force on the day section 72 of the *Safe Drinking Water Act, 2002* comes into force.

(4) Sections 9 and 10 come into force on August 1, 2003.

27/03

ONTARIO REGULATION 249/03

made under the

SAFE DRINKING WATER ACT, 2002

Made: June 11, 2003

Filed: June 16, 2003

Amending O. Reg. 170/03
(Drinking-Water Systems)

Note: Ontario Regulation 170/03 has not previously been amended.

1. (1) The definition of "distribution sample" in subsection 1 (1) of Ontario Regulation 170/03 is amended by striking out "the point at which treated water enters" and substituting "the point at which drinking water enters".

(2) Clause (b) of the definition of "public facility" in subsection 1 (1) of the Regulation is revoked and the following substituted:

- (b) a place that operates primarily for the purpose of providing overnight accommodation to the travelling public,
- (b.1) a trailer park or campground,

(3) The definition of "public facility" in subsection 1 (1) of the Regulation is amended by striking out the portion after clause (h).

(4) Clause (b) of the definition of "trained person" in subsection 1 (1) of the Regulation is revoked and the following substituted:

(b) a person who, in the preceding 36 months, successfully completed a course approved by the Director that relates to the operation and routine maintenance of drinking-water systems;

(5) Subsection 1 (1) of the Regulation is amended by adding the following definition:

"water quality analyst" means a person who,

(a) has at least one year of experience working in a laboratory in a drinking-water system or in a laboratory that, in the Director's opinion, is similar to a laboratory in a drinking-water system, and

(b) has passed an examination approved by the Director that relates to water quality testing in drinking-water systems or, in the Director's opinion, has education, training or experience indicating that the person has the skills tested by the examination.

2. Section 3 of the Regulation is amended by adding the following subsection:

(4) For the purposes of this Regulation, a place that is both a designated facility and a public facility is open on a day, despite subsections (1) to (3), if,

(a) as a designated facility, it is open on that day, according to subsection (1) or (2), whichever is applicable; or

(b) as a public facility, it is open on that day, according to subsection (3).

3. (1) Paragraphs 3 and 4 of subsection 5 (1) of the Regulation are revoked and the following substituted:

3. Sections 11-1, 11-2 and 11-4 of Schedule 11.

4. Sections 13-1, 13-3, 13-5, 13-6, 13-10 and 13-11 of Schedule 13.

(2) Paragraphs 2 and 3 of subsection 5 (2) of the Regulation are revoked and the following substituted:

2. Sections 11-1, 11-2 and 11-4 of Schedule 11.

3. Sections 13-1, 13-3, 13-5, 13-10 and 13-11 of Schedule 13.

(3) Subsection 5 (3) of the Regulation is amended by striking out "system to which this Regulation that provides" in the portion before paragraph 1 and substituting "system to which this Regulation applies that provides".

(4) Paragraphs 2 and 3 of subsection 5 (3) of the Regulation are revoked and the following substituted:

2. Sections 12-1, 12-2 and 12-4 of Schedule 12.

3. Sections 14-1, 14-3, 14-8 and 14-9 of Schedule 14.

4. (1) Clause 8 (1) (c) of the Regulation is amended by striking out "all water fountains" at the beginning and substituting "all drinking water fountains".

(2) Clause 8 (1) (d) of the Regulation is amended by striking out "clauses (a), (b) and (c)" and substituting "clauses (a) and (c)".

(3) Subsection 8 (3) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(3) Subsection (1) applies to a small non-municipal non-residential system only if,

.

(4) Clause 8 (3) (b) of the Regulation is amended by adding "to which the general public has access" at the end.

5. The Regulation is amended by adding the following section:

Exemption from certified operator requirement of Act

8.1 (1) Section 12 of the Act does not apply to a municipal drinking-water system unless the system is,

(a) a large municipal residential system;

(b) a small municipal residential system; or

(c) a large municipal non-residential system.

(2) Section 12 of the Act does not apply to a large municipal non-residential system if, pursuant to section 6 or 7 of this Regulation, provisions of this Regulation do not apply to the system.

6. Subsection 9 (1) of the Regulation is revoked and the following substituted:

Exemption from approval requirements of Act

(1) Subsection 31 (1) of the Act does not apply to a municipal drinking-water system unless the system is,

- (a) a large municipal residential system; or
- (b) a small municipal residential system.

7. Subsection 13 (2) of the Regulation is amended by adding the following paragraph:

- 5. If the owner gave the Director a written statement by a professional engineer under subsection 21-2 (3) of Schedule 21, a copy of the OWRA approval referred to in that subsection.

8. (1) Paragraph 1 of subsection 1-2 (2) of Schedule 1 to the Regulation is amended by striking out “being obtained or supplied” at the end and substituting “being supplied”.

(2) Paragraph 4 of subsection 1-2 (2) of Schedule 1 to the Regulation is revoked and the following substituted:

- 4. If the drinking-water system’s water treatment equipment provides chlorination or chloramination for secondary disinfection, the equipment is operated so that, at all times and at all locations within the distribution system,
 - i. the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system provides chlorination and does not provide chloramination, or
 - ii. the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system provides chloramination.

(3) Sections 1-3 and 1-4 of Schedule 1 to the Regulation are revoked and the following substituted:

Primary disinfection for ground water raw water supply

1-3. The owner of a drinking-water system that obtains water from a raw water supply that is ground water shall ensure provision of water treatment equipment that is designed to be capable of achieving, at all times, primary disinfection in accordance with the Ministry’s *Procedure for Disinfection of Drinking Water in Ontario*, including at least 99 per cent removal or inactivation of viruses by the time water enters the distribution system.

Filtration and primary disinfection for surface water raw water supply

1-4. The owner of a drinking-water system that obtains water from a raw water supply that is surface water shall ensure provision of,

- (a) water treatment equipment that,
 - (i) is designed to be capable of chemically assisted filtration, and
 - (ii) is designed to be capable of achieving, at all times, primary disinfection in accordance with the Ministry’s *Procedure for Disinfection of Drinking Water in Ontario*, including at least 99 per cent removal or inactivation of *Cryptosporidium oocysts*, at least 99.9 per cent removal or inactivation of *Giardia* cysts and at least 99.99 per cent removal or inactivation of viruses by the time water enters the distribution system; or
- (b) other water treatment equipment that, in the Director’s opinion, is designed to be capable of producing water of equal or better quality than the equipment described in clause (a).

(4) Section 1-6 of Schedule 1 to the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

Primary disinfection equipment that does not use chlorination or chloramination

1-6. If primary disinfection equipment that does not use chlorination or chloramination is provided by a drinking-water system, the owner of the system and the operating authority for the system shall ensure that the following standards are met:

(5) Section 1-6 of Schedule 1 to the Regulation is amended by adding the following paragraph:

- 4. In the case of a large municipal residential system, the disinfection equipment must have a recording device that continuously records the performance of the disinfection equipment.

(6) Section 1-8 of Schedule 1 to the Regulation is amended by striking out “sections 1-2 to 1-6” in the portion after clause (b) and substituting “sections 1-3 to 1-6”.

(7) Subsection 1-9 (1) of Schedule 1 to the Regulation is amended by striking out “sections 1-2 to 1-6” and substituting “sections 1-3 to 1-6”.

9. (1) Paragraph 1 of subsection 2-2 (2) of Schedule 2 to the Regulation is amended by striking out “being obtained or supplied” at the end and substituting “being supplied”.

(2) Sections 2-3 and 2-4 of Schedule 2 to the Regulation are revoked and the following substituted:

Primary disinfection for ground water raw water supply

2-3. The owner of a drinking-water system that obtains water from a raw water supply that is ground water shall ensure provision of water treatment equipment that is designed to be capable of achieving, at all times, primary disinfection in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*, including at least 99 per cent removal or inactivation of viruses by the time,

- (a) water leaves the point of entry treatment units, in the case of a drinking-water system to which, pursuant to section 3-2 of Schedule 3, section 2-5 does not apply; or
- (b) water enters the distribution system, in any other case.

Filtration and primary disinfection for surface water raw water supply

2-4. The owner of a drinking-water system that obtains water from a raw water supply that is surface water shall ensure provision of,

- (a) water treatment equipment that,
 - (i) is designed to be capable of chemically assisted filtration, and
 - (ii) is designed to be capable of achieving, at all times, primary disinfection in accordance with the Ministry's *Procedure for Disinfection of Drinking Water in Ontario*, including at least 99 per cent removal or inactivation of *Cryptosporidium* oocysts, at least 99.9 per cent removal or inactivation of *Giardia* cysts and at least 99.99 per cent removal or inactivation of viruses by the time,
 - (A) water leaves the point of entry treatment units, in the case of a drinking-water system to which, pursuant to section 3-2 of Schedule 3, section 2-5 does not apply, or
 - (B) water enters the distribution system, in any other case; or
- (b) other water treatment equipment that, in the opinion of a professional engineer, is designed to be capable of producing water of equal or better quality than the equipment described in clause (a).

(3) Section 2-6 of Schedule 2 to the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

Primary disinfection equipment that does not use chlorination or chloramination

2-6. If primary disinfection equipment that does not use chlorination or chloramination is provided by a drinking-water system, the owner of the system and the operating authority for the system shall ensure that the following standards are met:

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(4) Section 2-6 of Schedule 2 to the Regulation is amended by adding the following paragraph:

- 4. In the case of a drinking-water system that provides ultraviolet light disinfection equipment, any sensors that form part of the equipment's monitoring system must be checked and calibrated in accordance with the manufacturer's instructions.

(5) Subsection 2-9 (1) of Schedule 2 to the Regulation is amended by striking out "commenced operation before August 1, 2000" and substituting "commenced operation before June 1, 2003".

10. Section 3-2 of Schedule 3 to the Regulation is revoked and the following substituted:

Point of entry treatment units

3-2. Section 2-5 of Schedule 2 does not apply to a drinking-water system if the following criteria are met:

- 1. A point of entry treatment unit belonging to the owner of the drinking-water system is installed in the plumbing of every building and other structure served by the system, other than buildings and other structures to which water is supplied exclusively for,
 - i. agricultural operations,
 - ii. landscaping operations,
 - iii. industrial or manufacturing operations, including food manufacturing or processing operations, or
 - iv. swimming pool or skating rink maintenance operations.
- 2. If adjustments are required to a point of entry unit and access to the unit requires the permission of the occupants of the building or structure that is served by the unit, notice is given to the occupants informing them that access is required for that purpose.

3. The owner of the drinking-water system has access at all times to shut-off valves that enable the owner to shut off the supply of water to the plumbing in which point of entry treatment units are installed.

11. Paragraph 2 of section 4-2 of Schedule 4 to the Regulation is revoked and the following substituted:

2. Paragraphs 1 to 4 of subsection 1-2 (2) of Schedule 1.

12. (1) Section 6-2 of Schedule 6 to the Regulation is amended by striking out “the point at which treated water enters” and substituting “the point at which water enters”.

(2) Paragraph 3 of subsection 6-5 (1) of Schedule 6 to the Regulation is amended by striking out “within 24 hours” in the portion before subparagraph i and substituting “within 72 hours”.

(3) Section 6-8 of Schedule 6 to the Regulation is revoked and the following substituted:

Sample handling

6-8. If this Regulation or an approval or order, including an OWRA order, requires a water sample to be tested for a parameter by a laboratory, the owner of the drinking-water system and the operating authority for the system shall ensure that, subject to the other provisions of this Regulation, the sample is taken and handled in accordance with the directions of the laboratory to which the sample will be delivered for testing, including directions with respect to,

- (a) collection procedures;
- (b) the use of specified kinds of containers or of containers that are provided by the laboratory;
- (c) the labelling of samples;
- (d) the completion and submission of forms that are provided by the laboratory;
- (e) methods of transporting samples, including temperature conditions that must be maintained during transportation; and
- (f) time periods for delivery of samples.

(4) Subsection 6-9 (1) of Schedule 6 to the Regulation is revoked and the following substituted:

Testing by laboratories

(1) The owner of a drinking-water system and the operating authority for the system shall ensure that every test for a parameter that is required by this Regulation, or by an approval or order, including an OWRA order,

- (a) is conducted by an accredited laboratory for the parameter; or
- (b) in the case of a radiological parameter for which there is no accredited laboratory in Ontario, is conducted by a laboratory that, in the Director’s opinion, is capable of conducting the test.

(5) Subsection 6-9 (1) of Schedule 6 to the Regulation, as remade by subsection (4), is revoked.

(6) Subsection 6-9 (2) of Schedule 6 to the Regulation is revoked.

(7) Subsection 6-9 (3) of Schedule 6 to the Regulation is amended by striking out “within 14 days after completing the test, prepare a report on the results of the test and send a copy” in the portion before clause (a) and substituting “within 28 days after completing the test, prepare a report on the results of the test and give a copy”.

(8) Subsection 6-9 (3) of Schedule 6 to the Regulation, as amended by subsection (7), is revoked.

(9) Subsection 6-9 (5) of Schedule 6 to the Regulation is amended by striking out “or” at the end of clause (b) and by revoking clause (c) and substituting the following:

- (c) testing for fluoride, for turbidity, for free chlorine residual or for free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual, if the testing is conducted in the drinking-water system, or in a facility served by the system, by,
 - (i) a certified operator,
 - (ii) a trained person,
 - (iii) a water quality analyst, or
 - (iv) a provincial officer or person acting under the supervision of a provincial officer; or
- (d) testing required by Schedule 8 or 9 if, pursuant to section 8-7 of Schedule 8 or section 9-8 of Schedule 9, the testing may be conducted by any person.

(10) Subsection 6-9 (5) of Schedule 6 to the Regulation, as amended by subsection (9), is revoked.

(11) Subsections 6-9 (7) to (9) of Schedule 6 to the Regulation are revoked.

(12) Schedule 6 to the Regulation is amended by adding the following section:

OWRA approvals

6-12. (1) If an OWRA approval requires more stringent sampling or testing than a provision of this Schedule or Schedules 7 to 15, the OWRA approval prevails.

(2) If an OWRA approval requires less stringent sampling or testing than a provision of this Schedule or Schedules 7 to 15, the provision of this Schedule or Schedules 7 to 15 prevails.

13. (1) Subsection 7-2 (1) of Schedule 7 to the Regulation is amended by striking out “at a location” and substituting “at or near a location”.

(2) Subsection 7-2 (2) of Schedule 7 to the Regulation is amended by striking out “at a location” and substituting “at or near a location”.

(3) Subsection 7-3 (1) of Schedule 7 to the Regulation is amended by striking out “and is tested for turbidity” at the end and substituting “and is tested immediately for turbidity”.

(4) Section 7-5 of Schedule 7 to the Regulation is revoked and the following substituted:

Testing by certified operators or water quality analysts

7-5. (1) The owner of a drinking-water system and the operating authority for the system shall ensure that every test required by this Schedule is conducted by a certified operator or a water quality analyst.

(2) Subsection (1) does not apply to tests conducted by continuous monitoring equipment.

14. (1) Section 8-2 of Schedule 8 to the Regulation is revoked and the following substituted:

Equipment maintenance

8-2. (1) If a report that complies with section 21-5 of Schedule 21 has been prepared in respect of a drinking-water system in accordance with that Schedule, the owner of the system and the operating authority for the system shall ensure that the maintenance schedule referred to in clause 21-5 (d) of Schedule 21 is complied with by a certified operator.

(2) If subsection (1) does not apply but a manufacturer of a drinking-water system’s water treatment equipment has given instructions with respect to the checking or maintenance of the equipment, the owner of the system and the operating authority for the system shall ensure that the instructions are complied with by a certified operator.

(3) If subsections (1) and (2) do not apply and a drinking-water system provides chlorination or chloramination, the owner of the system and the operating authority for the system shall ensure that all water treatment equipment is checked at least once every week by a certified operator to confirm proper functioning.

(4) If subsections (1), (2) and (3) do not apply, the owner of a drinking-water system and the operating authority for the system shall ensure that all water treatment equipment is checked at least once every three months by a certified operator to confirm proper functioning.

(5) The owner of the drinking-water system and the operating authority for the system shall ensure that a record is made of the date and time of every action taken under subsections (1) to (4), the name of the person who took the action and the results of the action.

(2) Subsection 8-3 (1) of Schedule 8 to the Regulation is amended by striking out “at a location” and substituting “at or near a location”.

(3) Subsection 8-3 (2) of Schedule 8 to the Regulation is amended by striking out “at a location” and substituting “at or near a location”.

(4) Section 8-3 of Schedule 8 to the Regulation is amended by adding the following subsection:

(4) Subsection (3) does not apply if,

(a) the owner complies with section 2-3 or 2-4 of Schedule 2, whichever is applicable; and

(b) all parts of the drinking-water system and of the plumbing connected to the drinking-water system that are downstream of the equipment provided in accordance with section 2-3 or 2-4 of Schedule 2 are enclosed in a building or other protective structure.

(5) Section 8-4 of Schedule 8 to the Regulation is revoked and the following substituted:

Turbidity

8-4. (1) The owner of a drinking-water system that obtains water from a raw water supply that is ground water, and the operating authority for the system, shall ensure that a water sample is taken at least once every month, from a location that is before raw water enters the treatment system, and is tested immediately for turbidity.

(2) If, with respect to a drinking-water system that obtains water from a raw water supply that is surface water, continuous monitoring equipment is required to comply with section 2-4 of Schedule 2, the owner of the system shall ensure that sampling and testing for turbidity is conducted by continuous monitoring equipment on each filter effluent line.

(3) If subsection (2) does not apply to a drinking-water system that obtains water from a raw water supply that is surface water, the owner of the system, and the operating authority for the system, shall ensure that a water sample is taken at least once every day on each filter effluent line and is tested immediately for turbidity.

(4) Subsections (2) and (3) do not apply to a drinking-water system until the equipment required to ensure compliance with Schedule 2 commences operation.

(6) Subsection 8-5 (1) of Schedule 8 to the Regulation is amended by striking out “by a certified operator” at the end and substituting “by a certified operator or a water quality analyst”.

(7) Section 8-7 of Schedule 8 to the Regulation is revoked and the following substituted:

Transition: certified operators

8-7. If the owner of a drinking-water system is not required to comply with sections 2-2 to 2-6 of Schedule 2 until after June 1, 2003, a reference in this Schedule to a certified operator shall be deemed, with respect to that system, to be a reference to any person until the equipment required to ensure compliance with Schedule 2 commences operation.

15. (1) Section 9-2 of Schedule 9 to the Regulation is revoked and the following substituted:

Equipment maintenance

9-2. (1) If a report that complies with section 21-5 of Schedule 21 has been prepared in respect of a drinking-water system in accordance with that Schedule, the owner of the system and the operating authority for the system shall ensure that the maintenance schedule referred to in clause 21-5 (d) of Schedule 21 is complied with by a trained person.

(2) If subsection (1) does not apply but a manufacturer of a drinking-water system's water treatment equipment has given instructions with respect to the checking or maintenance of the equipment, the owner of the system and the operating authority for the system shall ensure that the instructions are complied with by a trained person.

(3) If subsections (1) and (2) do not apply and a drinking-water system provides chlorination or chloramination, the owner of the system and the operating authority for the system shall ensure that all water treatment equipment is checked at least once every week by a trained person to confirm proper functioning.

(4) If subsections (1), (2) and (3) do not apply, the owner of a drinking-water system and the operating authority for the system shall ensure that all water treatment equipment is checked at least once every three months by a trained person to confirm proper functioning.

(5) The owner of the drinking-water system and the operating authority for the system shall ensure that a record is made of the date and time of every action taken under subsections (1) to (4), the name of the person who took the action and the results of the action.

(2) Subsection 9-3 (1) of Schedule 9 to the Regulation is amended by striking out “at a location” and substituting “at or near a location”.

(3) Subsection 9-3 (2) of Schedule 9 to the Regulation is amended by striking out “at a location” and substituting “at or near a location”.

(4) Section 9-3 of Schedule 9 to the Regulation is amended by adding the following subsection:

(4) Subsection (3) does not apply if,

(a) the owner complies with section 2-3 or 2-4 of Schedule 2, whichever is applicable; and

(b) all parts of the drinking-water system and of the plumbing connected to the drinking-water system that are downstream of the equipment provided in accordance with section 2-3 or 2-4 of Schedule 2 are enclosed in a building or other protective structure.

(5) Section 9-4 of Schedule 9 to the Regulation is revoked and the following substituted:

Turbidity

9-4. (1) If, with respect to a drinking-water system that obtains water from a raw water supply that is surface water, continuous monitoring equipment is required to comply with section 2-4 of Schedule 2, the owner of the system shall ensure that sampling and testing for turbidity is conducted by continuous monitoring equipment on each filter effluent line.

(2) If subsection (1) does not apply to a drinking-water system that obtains water from a raw water supply that is surface water, the owner of the system, and the operating authority for the system, shall ensure that a water sample is taken at least once every day on each filter effluent line and is tested immediately for turbidity.

(3) Subsections (1) and (2) do not apply until the equipment required to ensure compliance with Schedule 2 commences operation.

(6) Subsection 9-5 (1) of Schedule 9 to the Regulation is amended by striking out “by a trained person” at the end and substituting “by a trained person or a water quality analyst”.

(7) Section 9-6 of Schedule 9 to the Regulation is revoked and the following substituted:

Exceptions

9-6. (1) Sections 9-2 to 9-4 do not apply to a small municipal non-residential system or a small non-municipal non-residential system on days on which all designated facilities and all public facilities served by the system are not open.

(2) Sections 9-2 to 9-4 do not apply to a non-municipal seasonal residential system during a period of 60 or more consecutive days when the system is not in operation.

(8) Section 9-8 of Schedule 9 to the Regulation is revoked and the following substituted:

Transition: Trained persons

9-8. If the owner of a drinking-water system is not required to comply with sections 2-2 to 2-6 of Schedule 2 until after June 1, 2003, a reference in this Schedule to a trained person shall be deemed, with respect to that system, to be a reference to any person until the equipment required to ensure compliance with Schedule 2 commences operation.

16. (1) Subsection 11-2 (3) of Schedule 11 to the Regulation is revoked and the following substituted:

(3) The frequency of sampling under subsection (1) may be reduced to the frequency set out in subsection (4) if,

(a) samples have been taken with the frequency set out in subsection (1) and tested in accordance with subsection (2) for a period of 24 consecutive months and, during that period, not more than one of the test results obtained under paragraph 2 of section 18-5 and paragraph 1 of section 18-6 of Schedule 18 to this Regulation exceeds the standard prescribed for *Escherichia coli*, fecal coliforms or total coliforms by Schedule 1 to the Ontario Drinking-Water Quality Standards; and

(b) the owner of the drinking-water system or the operating authority for the system has given the Director at least seven days notice in writing of the intention to reduce the frequency of sampling.

(2) Section 11-2 of Schedule 11 to the Regulation is amended by adding the following subsections:

(6) If a drinking-water system uses point of entry treatment units, the samples taken under subsection (1) shall be taken from locations downstream of the point of entry treatment units and shall be taken on a rotational basis so that, after a sample is taken from a location downstream of a particular point of entry treatment unit, another sample is not taken from a location downstream of that unit until samples have been taken from locations downstream of all the other point of entry treatment units.

(7) For the purpose of subsections (3) and (5),

(a) samples taken and tested for microbiological parameters before June 1, 2003 in accordance with clause 7 (1) (a) of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) shall be deemed to be samples taken with the frequency set out in subsection (1) and tested in accordance with subsection (2);

(b) samples taken and tested before June 1, 2003 in accordance with subsection 8 (1) of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities) shall be deemed to be samples taken with the frequency set out in subsection (1) and tested in accordance with subsection (2);

(c) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 1 of Schedule 6 to Ontario Regulation 459/00 shall be deemed to be test results obtained under paragraph 2 of section 18-5 of Schedule 18 to this Regulation;

(d) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 2 of Schedule 1 to Ontario Regulation 505/01 shall be deemed to be test results obtained under paragraph 2 of section 18-5 of Schedule 18 to this Regulation;

(e) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 2 of Schedule 6 to Ontario Regulation 459/00 shall be deemed to be test results obtained under paragraph 1 of section 18-6 of Schedule 18 to this Regulation; and

(f) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 3 of Schedule 1 to Ontario Regulation 505/01 shall be deemed to be test results obtained under paragraph 1 of section 18-6 of Schedule 18 to this Regulation.

(3) Section 11-5 of Schedule 11 to the Regulation is revoked.

17. (1) Subsection 12-2 (4) of Schedule 12 to the Regulation is revoked and the following substituted:

(4) The frequency of sampling under subsection (1) may be reduced to the frequency set out in subsection (5) if,

(a) samples have been taken with the frequency set out in subsection (1) and tested in accordance with subsection (2) for a period of 24 consecutive months and, during that period, not more than one of the test results obtained under paragraph 2 of section 18-5 and paragraph 1 of section 18-6 of Schedule 18 to this Regulation exceeds the standard prescribed for

Escherichia coli, fecal coliforms or total coliforms by Schedule 1 to the Ontario Drinking-Water Quality Standards; and

- (b) the owner of the drinking-water system or the operating authority for the system has given the Director at least seven days notice in writing of the intention to reduce the frequency of sampling.

(2) Clause 12-2 (5) (a) of Schedule 12 to the Regulation is amended by striking out “every two weeks” and substituting “every four weeks”.

(3) Clause 12-2 (5) (b) of Schedule 12 to the Regulation is amended by striking out “every week” and substituting “every two weeks”.

(4) Section 12-2 of Schedule 12 to the Regulation is amended by adding the following subsections:

(7) If a drinking-water system uses point of entry treatment units, the samples taken under subsection (1) shall be taken from locations downstream of the point of entry treatment units and shall be taken on a rotational basis so that, after a sample is taken from a location downstream of a particular point of entry treatment unit, another sample is not taken from a location downstream of that unit until samples have been taken from locations downstream of all the other point of entry treatment units.

(8) For the purpose of subsections (4) and (6),

- (a) samples taken and tested for microbiological parameters before June 1, 2003 in accordance with clause 7 (1) (a) of Ontario Regulation 459/00 (Drinking Water Protection — Larger Water Works) shall be deemed to be samples taken with the frequency set out in subsection (1) and tested in accordance with subsection (2);
- (b) samples taken and tested before June 1, 2003 in accordance with subsection 8 (1) of Ontario Regulation 505/01 (Drinking Water Protection — Smaller Water Works Serving Designated Facilities) shall be deemed to be samples taken with the frequency set out in subsection (1) and tested in accordance with subsection (2);
- (c) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 1 of Schedule 6 to Ontario Regulation 459/00 shall be deemed to be test results obtained under paragraph 2 of section 18-5 of Schedule 18 to this Regulation;
- (d) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 2 of Schedule 1 to Ontario Regulation 505/01 shall be deemed to be test results obtained under paragraph 2 of section 18-5 of Schedule 18 to this Regulation;
- (e) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 2 of Schedule 6 to Ontario Regulation 459/00 shall be deemed to be test results obtained under paragraph 1 of section 18-6 of Schedule 18 to this Regulation; and
- (f) test results obtained from samples taken and tested before June 1, 2003 pursuant to corrective action described in paragraph 3 of Schedule 1 to Ontario Regulation 505/01 shall be deemed to be test results obtained under paragraph 1 of section 18-6 of Schedule 18 to this Regulation.

(5) Section 12-5 of Schedule 12 to the Regulation is revoked.

18. Section 13-12 of Schedule 13 to the Regulation is revoked.

19. Section 14-10 of Schedule 14 to the Regulation is revoked.

20. (1) Section 15-6 of Schedule 15 to the Regulation is amended by striking out “If a drinking-water system does not provide fluoridation” at the beginning.

(2) Section 15-8 of Schedule 15 to the Regulation is revoked.

21. (1) Clause 16-2 (b) of Schedule 16 to the Regulation is revoked and the following substituted:

(b) the test,

- (i) is conducted by or pursuant to the direction of the owner of a drinking-water system, the operating authority for a drinking-water system or a certified operator or trained person employed by the owner or operating authority, and
- (ii) does not relate to water that is supplied exclusively for,
 - (A) agricultural operations,
 - (B) landscaping operations,
 - (C) industrial or manufacturing operations, including food manufacturing or processing operations, or
 - (D) swimming pool or skating rink maintenance operations;

(2) Paragraph 6 of section 16-3 of Schedule 16 to the Regulation is amended by striking out the portion before subparagraph i and substituting the following:

6. If the drinking-water system is required to provide filtration and a report under subsection 18 (1) of the Act has not been made in respect of turbidity in the preceding 24 hours, a result indicating that turbidity exceeds 1.0 Nephelometric Turbidity Units (NTU) in,

(3) Paragraph 9 of section 16-3 of Schedule 16 to the Regulation is revoked and the following substituted:

9. A result indicating that the concentration of fluoride exceeds 1.5 milligrams per litre in a sample of drinking water, if,
- i. the drinking-water system provides fluoridation and a report under subsection 18 (1) of the Act has not been made in respect of fluoride in the preceding 24 hours, or
 - ii. the drinking-water system does not provide fluoridation and a report under subsection 18 (1) of the Act has not been made in respect of fluoride in the preceding 60 months.

(4) Schedule 16 to the Regulation is amended by adding the following section:

Small non-municipal non-residential systems that do not serve designated facilities

16-10. If a small non-municipal non-residential system does not serve a designated facility, section 18 of the Act and this Schedule do not apply to the system until June 1, 2005.

22. Clause 19-3 (1) (b) of Schedule 19 to the Regulation is revoked and the following substituted:

- (b) a public health inspector under the *Health Protection and Promotion Act*, or a person acting under the supervision of a public health inspector.

23. (1) Subsection 21-2 (3) of Schedule 21 to the Regulation is revoked and the following substituted:

(3) If an OWRA approval was granted after August 1, 2000 in respect of the system and the owner of the system gives the Director a written statement by a professional engineer certifying that,

- (a) he or she has visited the system; and
- (b) in his or her opinion,
 - (i) all equipment required in order to ensure compliance with Schedule 2 is being provided, and
 - (ii) all equipment required in order to ensure compliance with Schedules 6, 8 and 9 is being provided,

the owner of the system shall be deemed to have complied with subsection (1) and with the owner's first obligation to give a notice to the Director under section 21-7, and, for the purpose of this Schedule, the report required by subsection (1) shall be deemed to have been required to be prepared not later than the date the OWRA approval was granted.

(2) Subsection 21-3 (1) of Schedule 21 to the Regulation is revoked and the following substituted:

New and altered systems

(1) If, after this Regulation comes into force, a drinking-water system commences operation or an alteration is made to a drinking-water system, the owner of the system shall ensure that, not later than 30 days after the system commences operation or the alteration is completed, a professional engineer who has experience in sanitary engineering related to drinking-water systems prepares a report that complies with section 21-5.

(3) Section 21-5 of Schedule 21 to the Regulation is revoked and the following substituted:

Contents of engineer's report

21-5. For the purposes of this Schedule, a report complies with this section if,

- (a) the report specifies which type of drinking-water system listed in subsection 21-1 (1) the report deals with;
- (b) the professional engineer who prepares the report certifies in the report that he or she has visited the drinking-water system and that, in his or her opinion,
 - (i) all equipment required in order to ensure compliance with Schedule 2 is being provided, and
 - (ii) all equipment required in order to ensure compliance with Schedules 6, 8 and 9 is being provided;
- (c) the report sets out the professional engineer's reasons for the opinion referred to in clause (b), along with the technical and other information he or she relied on in reaching that opinion; and
- (d) the report includes a maintenance schedule that sets out requirements relating to the frequency with which the following equipment must be inspected, tested and replaced:
 - (i) the water treatment equipment that is provided by the drinking-water system, and

- (ii) the equipment that is provided by the drinking-water system in order to ensure compliance with Schedules 6, 8 and 9.

24. (1) Section 22-2 (1) of Schedule 22 to the Regulation is amended by striking out “each year after 2004” in the portion before clause (a) and substituting “each year after 2003”.

(2) Section 22-2 of Schedule 22 to the Regulation is amended by adding the following subsection:

(5) For the purpose of subsection (1), the preceding calendar year for the report that is required to be prepared not later than March 31, 2004 shall be deemed to be the period from July 1, 2003 to December 31, 2003.

(3) Schedule 22 to the Regulation is amended by adding the following section:

OWRA approvals

22-3. A provision of an OWRA approval that requires the completion and presentation of a compliance report does not apply to a drinking-water system if the owner of the system complies with section 22-2.

25. Item 24 of Schedule 24 to the Regulation is revoked and the following substituted:

24.	2,4-Dichlorophenol
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26. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Subsections 12 (5), (6), (8), (10) and (11) come into force on the day section 63 of the Act is proclaimed in force.

27/03

ONTARIO REGULATION 250/03

made under the

DEVELOPMENT CORPORATIONS ACT

Made: April 14, 2003

Filed: June 18, 2003

CLEAN WATER LEGACY TRUST CORPORATION

Definitions

1. In this Regulation,

“Minister” means the Minister of the Environment;

“Trust” means the Clean Water Legacy Trust established under section 2.

Corporation established

2. A corporation to be known in English as the Clean Water Legacy Trust and in French as Fonds de protection du patrimoine des eaux is established as a corporation without share capital.

Crown agent

3. The Trust is, for all its purposes, an agent of Her Majesty within the meaning of the *Crown Agency Act* and its powers may be exercised only as an agent of Her Majesty.

Objects

4. The objects of the Trust are,

- (a) to receive and maintain funds and to use all or part of the principal and income from the funds for, or create partnerships with organizations involved in,
 - (i) drinking water research and technology,
 - (ii) increasing access to training related to the management of safe drinking water,
 - (iii) the promotion of environmentally sound water stewardship, or
 - (iv) increasing public understanding of environmental issues; and

- (b) to provide funding, consistent with the objects set out in this section and in accordance with applicable policy directives and funding practices, for the activities of the Clean Water Centre of Excellence.

Board of directors

5. (1) The Trust shall consist of as many members, not fewer than three and not more than ten, as the Lieutenant Governor in Council may appoint and those members form the board of directors.

(2) The members shall be appointed for such term, not exceeding two years, as may be determined by the Lieutenant Governor in Council.

(3) The members of the Trust who are not public servants within the meaning of the *Public Service Act* shall be paid such remuneration and expenses as may be determined by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council shall designate one of the members of the board as chair and one as vice-chair.

(5) The chair shall preside over the meeting of the board of directors.

(6) In the absence of both chair and vice-chair, a director designated by the board shall act as the chair.

(7) A majority of the directors constitutes a quorum for the conduct of business of the board.

Powers, duties of board

6. (1) The affairs of the Trust are under the management and control of its board of directors.

(2) The board may pass by-laws and resolutions for conducting and managing the affairs of the Trust including,

(a) appointing officers and assigning to them such powers and duties as the board considers appropriate;

(b) maintaining bank accounts and making other banking arrangements; and

(c) establishing committees.

(3) Section 132, subsection 134 (1) and section 136 of the *Business Corporations Act* apply with necessary modifications to the Trust and to the board of directors.

(4) Despite subsection (3), no indemnity may be given by the Trust under section 136 of the *Business Corporations Act* to any person unless the indemnity has been approved in accordance with section 28 of the *Financial Administration Act*.

(5) The board of directors shall follow any policy directives issued by the Minister.

Trust corporation

7. (1) Except as limited by this Regulation, the Trust has the capacity, rights and powers of a natural person for carrying out its objects.

(2) The Trust shall not, except with the approval of the Lieutenant Governor in Council,

(a) acquire, hold or dispose of any interest in land;

(b) borrow money;

(c) pledge the assets of the Trust; or

(d) create a subsidiary.

(3) The revenues of the Trust, including all money or assets received by the Trust by grant, gift, contribution, profit or otherwise, shall only be used to further its objects.

(4) The *Corporations Act* and the *Corporations Information Act* do not apply to the Trust.

(5) The Trust may temporarily invest any surplus money not immediately required for the objects of the Trust in,

(a) securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada;

(b) guaranteed investment certificates of any trust corporation that is registered under the *Loan and Trust Corporations Act*; or

(c) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any bank listed in Schedule I or II to the *Bank Act* (Canada).

Employees, others

8. (1) Such employees as are considered necessary for the proper conduct of the business of the Trust may be appointed under the *Public Service Act*.

(2) In accordance with Government of Ontario policies, the Trust may engage persons, other than those appointed under subsection (1), to provide professional, technical or other assistance to or on behalf of the Trust, in accordance with

previously prepared business plans, and may prescribe their duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons.

Reports

9. The Trust shall make such reports to the Minister concerning its affairs as the Minister may from time to time require.

Winding-up

10. If the Minister considers it to be in the public interest to wind up the affairs of the Trust, he or she may do all things necessary to accomplish that, including dealing with the assets of the Trust by,

- (a) liquidating or selling the assets and paying the proceeds into the Consolidated Revenue Fund; or
- (b) transferring the assets to the Crown or another agency of the Crown.

Audit

11. The accounts and financial transactions of the Trust shall be audited annually and the audit is subject to the review of the Provincial Auditor.

Annual report

12. The Trust shall submit an annual report, including the audited financial statements signed by the chair and one other member of the board, to the Minister and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at its next session.

Review

13. The Minister shall ensure that a review of the operations of the Trust is undertaken at least once every three years.

27/03

ONTARIO REGULATION 251/03

made under the

DEVELOPMENT CORPORATIONS ACT

Made: April 14, 2003
Filed: June 18, 2003

CLEAN WATER CENTRE OF EXCELLENCE

Definitions

1. In this Regulation,

“Centre” means the Clean Water Centre of Excellence established under section 2;

“Minister” means the Minister of the Environment.

Corporation established

2. A corporation to be known in English as the Clean Water Centre of Excellence and in French as Centre d'excellence en eau et assainissement is established as a corporation without share capital.

Crown agent

3. The Centre is, for all its purposes, an agent of Her Majesty within the meaning of the *Crown Agency Act* and its powers may be exercised only as an agent of Her Majesty.

Objects

4. The objects of the Centre are,

- (a) to support effective delivery, planning and management of programs to educate and train operators of drinking water systems in order to ensure clean drinking water;
- (b) to promote environmentally sound water stewardship and increase public understanding of environmental issues pertaining to drinking water by, among other things, offering to the public courses, seminars, conferences, meetings and programs relating to those issues and by developing educational literature in support of those issues; and

- (c) to conduct further activities, consistent with the objects set out in clauses (a) and (b), as described in any policy direction, agreement or understanding with the Province and in accordance with an approved business plan.

Board of directors

5. (1) The Centre shall consist of as many members, not fewer than three and not more than seven, as the Lieutenant Governor in Council may appoint and those members form the board of directors.

(2) The members shall be appointed for such term, not exceeding two years, as may be determined by the Lieutenant Governor in Council.

(3) The members of the Centre who are not public servants within the meaning of the *Public Service Act* shall be paid such remuneration and expenses as may be determined by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council shall designate one of the members of the board as chair and one as vice-chair.

(5) The chair shall preside over the meeting of the board of directors.

(6) In the absence of both chair and vice-chair, a director designated by the board shall act as the chair.

(7) A majority of the directors constitutes a quorum for the conduct of business of the board.

Powers, duties of board

6. (1) The affairs of the Centre are under the management and control of its board of directors.

(2) The board may pass by-laws and resolutions for conducting and managing the affairs of the Centre including,

(a) appointing officers and assigning to them such powers and duties as the board considers appropriate;

(b) maintaining bank accounts and making other banking arrangements; and

(c) establishing committees.

(3) Section 132, subsection 134 (1) and section 136 of the *Business Corporations Act* apply with necessary modifications to the Centre and to the board of directors.

(4) Despite subsection (3), no indemnity may be given by the Centre under section 136 of the *Business Corporations Act* to any person unless the indemnity has been approved in accordance with section 28 of the *Financial Administration Act*.

(5) The board of directors shall follow any policy directives issued by the Minister.

Corporate powers

7. (1) Except as limited by this Regulation, the Centre has the capacity, rights and powers of a natural person for carrying out its objects.

(2) The Centre shall not, except with the approval of the Lieutenant Governor in Council,

(a) acquire, hold or dispose of any interest in land;

(b) borrow money;

(c) pledge the assets of the Centre; or

(d) create any subsidiary.

(3) The revenues of the Centre, including all money or assets received by the Centre by grant, gift, contribution, profit or otherwise, shall only be used to further its objects.

(4) The *Corporations Act* and the *Corporations Information Act* do not apply to the Centre.

Employees, others

8. (1) Such employees as are considered necessary for the proper conduct of the business of the Centre may be appointed under the *Public Service Act*.

(2) In accordance with Government of Ontario policies, the Centre may engage persons, other than those appointed under subsection (1), to provide professional, technical or other assistance to or on behalf of the Centre, in accordance with previously prepared business plans, and may prescribe their duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons.

Reports

9. The Centre shall make such reports to the Minister concerning its affairs as the Minister may from time to time require.

Winding-up

10. If the Minister considers it to be in the public interest to wind up the affairs of the Centre, he or she may do all things necessary to accomplish that, including dealing with the assets of the Centre by,

- (a) liquidating or selling the assets and paying the proceeds into the Consolidated Revenue Fund; or
- (b) transferring the assets to the Crown or another agency of the Crown.

Audit

11. The accounts and financial transactions of the Centre shall be audited annually and the audit is subject to the review of the Provincial Auditor.

Annual report

12. The Centre shall submit an annual report, including the audited financial statements signed by the chair and one other member of the board, to the Minister and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at its next session.

Review

13. The Minister shall ensure that a review of the operations of the Centre is undertaken at least once every three years.

27/03

ONTARIO REGULATION 252/03

made under the

DEVELOPMENT CORPORATIONS ACT

Made: June 18, 2003

Filed: June 18, 2003

Amending O. Reg. 250/03

(Clean Water Legacy Trust Corporation)

Note: Ontario Regulation 250/03 has not previously been amended.

1. (1) Subsection 5 (1) of Ontario Regulation 250/03 is amended by striking out “not more than ten” and substituting “not more than 12”.

(2) Subsection 5 (4) of the Regulation is amended by striking out “and one as vice-chair” at the end and substituting “and one or two members as vice-chairs”.

27/03

ONTARIO REGULATION 253/03

made under the

DEVELOPMENT CORPORATIONS ACT

Made: June 18, 2003

Filed: June 18, 2003

Amending O. Reg. 251/03

(Clean Water Centre of Excellence)

Note: Ontario Regulation 251/03 has not previously been amended.

1. (1) Subsection 5 (1) of Ontario Regulation 251/03 is amended by striking out “not more than seven” and substituting “not more than 12”.

(2) Subsection 5 (4) of the Regulation is amended by striking out “and one as vice-chair” at the end and substituting “and one or two members as vice-chairs”.

27/03

ONTARIO REGULATION 254/03

made under the

MINISTRY OF CORRECTIONAL SERVICES ACT

Made: June 18, 2003

Filed: June 19, 2003

Amending Reg. 778 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 778 has been amended by Ontario Regulations 151/03 and 152/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Regulation 778 of the Revised Regulations of Ontario, 1990 is amended by adding the following sections immediately before the heading "INMATE EMPLOYMENT":

17.1 (1) The Superintendent or an employee designated by the Superintendent for the purpose may authorize, in writing, that telephone conversations between an inmate and any other persons be listened to or otherwise intercepted where the Superintendent or designated employee believes on reasonable grounds that the conversations will contain evidence of an act that would jeopardize the security of the institution or the safety of any person.

(2) Every correctional institution shall have a telephone system that ensures the confidentiality of telephone conversations between an inmate and a person described in clause 17 (2) (a), (b), (c), (d) or (e) and subsection (1) does not apply to such telephone conversations.

(3) The telephone system in a correctional institution shall provide notice of the potential interception of a telephone conversation to both parties to the conversation by way of a voice-over message or other means.

(4) Where a telephone conversation is intercepted under subsection (1), the Superintendent or designated employee shall inform the inmate of the fact and the reasons for it and shall give the inmate an opportunity to make representations with respect to the interception.

(5) If informing the inmate as required by subsection (4) would adversely affect an ongoing investigation, the Superintendent or designated employee is not required to comply with that subsection until the investigation is complete.

17.2 (1) The Superintendent or an employee designated by the Superintendent for the purpose may authorize, in writing, that an inmate be prevented from communicating with a specified person by telephone if the Superintendent or designated employee believes on reasonable grounds that the security of the institution or the safety of any person would be jeopardized.

(2) The Superintendent or an employee designated by the Superintendent or the Deputy Minister for the purpose may authorize that an inmate be prevented from communicating with a specified person by telephone if the specified person, or his or her parent or guardian where the specified person is a minor, submits a request to the Superintendent or designated employee that he or she not receive any telephone communication from the inmate.

(3) Where an inmate is prevented under subsection (1) or (2) from communicating with a person by telephone, the Superintendent or designated employee, as the case may be, shall inform the inmate of the fact and the reasons for it and shall give the inmate an opportunity to make representations with respect to the prevented communication.

(4) If informing the inmate as required by subsection (3) would jeopardize the security of the institution or the safety of any person, the Superintendent or designated employee is not required to comply with that subsection until informing the inmate would no longer jeopardize the security of the institution or the safety of any person.

RÈGLEMENT DE L'ONTARIO 254/03

pris en application de la

LOI SUR LE MINISTÈRE DES SERVICES CORRECTIONNELSpris le 18 juin 2003
déposé le 19 juin 2003modifiant le Règl. 778 des R.R.O. de 1990
(Dispositions générales)

Remarque : Depuis la fin de 2002, le Règlement 778 a été modifié par les Règlements de l'Ontario 151/03 et 152/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. Le Règlement 778 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction des articles suivants immédiatement avant l'intertitre «EMPLOI DES DÉTENUX» :

17.1 (1) Le chef d'établissement ou l'employé qu'il a désigné à cette fin peut autoriser par écrit que des conversations téléphoniques entre un détenu et toute autre personne soient écoutées ou interceptées de quelque autre manière que ce soit s'il a des motifs raisonnables de croire que les conversations contiendront des éléments de preuve relatifs à un acte qui compromettrait la sûreté de l'établissement ou la sécurité de quiconque.

(2) Chaque établissement correctionnel est muni d'un système téléphonique qui garantit la confidentialité des conversations téléphoniques entre un détenu et une personne visée à l'alinéa 17 (2) a), b), c), d) ou e). Le paragraphe (1) ne s'applique pas à ces conversations téléphoniques.

(3) Le système téléphonique de l'établissement correctionnel fournit un avis d'interception éventuelle de la conversation téléphonique aux deux interlocuteurs par message surimposé ou par d'autres moyens.

(4) Lorsqu'une conversation téléphonique est interceptée en application du paragraphe (1), le chef d'établissement ou l'employé désigné avise le détenu de cette mesure et des motifs qui la justifient et lui donne la possibilité de présenter ses observations au sujet de l'interception.

(5) Si le fait d'aviser le détenu comme l'exige le paragraphe (4) risque de nuire à une enquête en cours, le chef d'établissement ou l'employé désigné n'est pas tenu de se conformer à ce paragraphe jusqu'à la conclusion de l'enquête.

17.2 (1) Le chef d'établissement ou l'employé qu'il a désigné à cette fin peut autoriser par écrit qu'il soit interdit à un détenu de communiquer par téléphone avec une personne précisée s'il a des motifs raisonnables de croire que la sûreté de l'établissement ou la sécurité de quiconque serait compromise.

(2) Le chef d'établissement ou l'employé qu'il a désigné à cette fin le chef d'établissement ou le sous-ministre peut autoriser qu'il soit interdit à un détenu de communiquer par téléphone avec une personne précisée si celle-ci ou, dans le cas où elle est mineure, son père, sa mère ou son tuteur, lui demande qu'elle ne reçoive aucune communication téléphonique de la part du détenu.

(3) Lorsqu'il est interdit au détenu de communiquer par téléphone avec une personne en application du paragraphe (1) ou (2), le chef d'établissement ou l'employé désigné, selon le cas, avise le détenu de cette mesure et des motifs qui la justifient et lui donne la possibilité de présenter ses observations au sujet de la communication interdite.

(4) Le chef d'établissement ou l'employé désigné n'est pas tenu de se conformer au paragraphe (3) tant que le fait d'aviser le détenu comme l'exige ce paragraphe risque de compromettre la sûreté de l'établissement ou la sécurité de quiconque.

27/03

ONTARIO REGULATION 255/03

made under the

VINTNERS QUALITY ALLIANCE ACT, 1999

Made: June 6, 2003
Approved: June 18, 2003
Filed: June 19, 2003

Amending O. Reg. 406/00

(Rules of Vintners Quality Alliance Ontario under Clauses 5 (1) (a), (b) and (c) of the Act Relating to Terms, Descriptions and Designations for VQA Wine)

Note: Ontario Regulation 406/00 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 3 (5) of Ontario Regulation 406/00 is revoked and the following substituted:

(5) No person shall use on a label the word "organic" or any other word intended to imply that the product has been produced organically or in a manner that is sensitive to the environment unless the product meets the requirements of CAN/CGSB-32.310-99 — Organic Agriculture, published on June 30, 1999, as that document read on the day before the day Ontario Regulation 255/03 comes into force.

2. Table 2 of the Regulation is amended by striking out "The wine shall be produced entirely from one or more vitis vinifera grape varieties in item 1 of Appendix B or the hybrid grape variety vidal, naturally frozen on the vine and pressed in a continuous process while the air temperature is minus 8°C or lower" in Column 2 opposite subheading "2. Icewine" under the heading "Wine Categories" in Column 1 and substituting the following:

The wine shall be produced entirely from one or more vitis vinifera grape varieties in item 1 of Appendix B or the hybrid grape variety Vidal, naturally frozen on the vine, picked while the air temperature is minus 8°C or lower and immediately pressed after picking in a continuous process.

VINTNERS QUALITY ALLIANCE ONTARIO:

LEONARD PENNACHETTI
President and Chair

PAUL SPECK
Vice-Chair

Dated on June 6, 2003.

Approved:

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Dated on June 18, 2003.

27/03

ONTARIO REGULATION 256/03

made under the

HEALTH INSURANCE ACT

Made: June 19, 2003

Filed: June 20, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03, 62/03, 179/03, 203/03 and 221/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 38.2 of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

38.2 (1) For the purposes of subsection 18.1 (5) of the Act, the amount that must accompany a request for review shall be equal to 5 per cent of the amount in dispute but in no case shall be more than \$2,500 or less than \$350.

(2) For the purposes of subsection 18.1 (8) of the Act, the amount that must accompany a request for reconsideration shall be \$350.

27/03

ONTARIO REGULATION 257/03

made under the

ENVIRONMENTAL BILL OF RIGHTS, 1993

Made: June 18, 2003

Filed: June 20, 2003

Amending O. Reg. 73/94
(General)

Note: Since the end of 2002, Ontario Regulation 73/94 has been amended by Ontario Regulation 104/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Sections 1 and 2 of Ontario Regulation 73/94 are revoked and the following substituted:

1. The provisions of Part II of the Act, except section 15 and sections 19 to 26, apply in relation to the following ministries:

1. Ministry of Agriculture and Food.
2. Ministry of Consumer and Business Services.
3. Ministry of Culture.
4. Ministry of Energy.
5. Ministry of Enterprise, Opportunity and Innovation.
6. Ministry of the Environment.
7. Ministry of Health and Long-Term Care.
8. Ministry of Labour.
9. Management Board Secretariat.
10. Ministry of Municipal Affairs and Housing.
11. Ministry of Natural Resources.

12. Ministry of Northern Development and Mines.
13. Ministry of Tourism and Recreation.
14. Ministry of Transportation.

PROPOSALS FOR POLICIES AND ACTS

2. Section 15 of the Act applies in relation to the following ministries:

1. Ministry of Agriculture and Food.
2. Ministry of Consumer and Business Services.
3. Ministry of Culture.
4. Ministry of Energy.
5. Ministry of Enterprise, Opportunity and Innovation.
6. Ministry of the Environment.
7. Ministry of Health and Long-Term Care.
8. Ministry of Labour.
9. Management Board Secretariat.
10. Ministry of Municipal Affairs and Housing.
11. Ministry of Natural Resources.
12. Ministry of Northern Development and Mines.
13. Ministry of Tourism and Recreation.
14. Ministry of Transportation.

2. (1) Paragraphs 9 and 10 of subsection 3 (1) of the Regulation are revoked and the following substituted:

9. *Fish and Wildlife Conservation Act, 1997.*

(2) Paragraph 20 of subsection 3 (1) of the Regulation is revoked and the following substituted:

20. *Safe Drinking Water Act, 2002.*
21. *Sustainable Water and Sewage Systems Act, 2002.*
22. *Waste Diversion Act, 2002.*
23. *Waste Management Act, 1992.*

(3) Section 3 of the Regulation is amended by adding the following subsection:

(5) The *Technical Standards and Safety Act, 2000* is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*,

- (a) generally, with respect to matters referred to in section 42 of the *Technical Standards and Safety Act, 2000*; and
- (b) specifically with respect to any proposed amendment to or replacement of Ontario Regulation 217/01.

3. Paragraph 1 of subsection 4 (1) of the Regulation is revoked and the following substituted:

1. Ministry of Consumer and Business Services.

4. Paragraphs 1, 2 and 3 of section 5 of the Regulation are revoked and the following substituted:

1. Ministry of Agriculture and Food.
2. Ministry of Consumer and Business Services.
3. Ministry of Energy.

5. (1) Subsection 6 (1) of the Regulation is amended by striking out "subsection 3 (1)" and substituting "subsections 3 (1) and (5)".

(2) Subsection 6 (2) of the Regulation is revoked and the following substituted:

(2) Despite subsection (1), the *Fish and Wildlife Conservation Act, 1997* and the *Waste Diversion Act, 2002* are not prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

6. (1) Paragraphs 8, 9 and 10 of section 9 of the Regulation are revoked and the following substituted:

8. *Fish and Wildlife Conservation Act, 1997.*

9. *Fisheries Act (Canada).*

(2) Section 9 of the Act is amended by adding the following subsection:

(2) The *Technical Standards and Safety Act, 2000* is prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*, but only with respect to matters referred to in section 42 of the *Technical Standards and Safety Act, 2000*.

7. Subsection 12 (1) of the Regulation is amended by striking out “subsection 3 (1)” and substituting “subsections 3 (1) and (5)”.

27/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—07—12

ONTARIO REGULATION 258/03

made under the

MENTAL HOSPITALS ACT

Made: May 28, 2003

Filed: June 23, 2003

Amending Reg. 744 of R.R.O. 1990
(General)

Note: Regulation 744 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Item 9 of Section 1 of Regulation 744 of the Revised Regulations of Ontario, 1990 is revoked.

28/03

ONTARIO REGULATION 259/03

made under the

FARM PRODUCTS MARKETING ACT

Made: June 18, 2003

Filed: June 23, 2003

Amending Reg. 404 of R.R.O. 1990
(Designation — Ontario Canola Growers' Association)

Note: Regulation 404 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 3 of Regulation 404 of the Revised Regulations of Ontario, 1990 is amended by striking out "\$2.50" and substituting "\$3.80".

28/03

ONTARIO REGULATION 260/03

made under the

ARTHUR WISHART ACT (FRANCHISE DISCLOSURE), 2000

Made: June 23, 2003

Filed: June 24, 2003

Amending O. Reg. 9/01

(Exemption of Franchisors under Subsection 13 (1) of the Act)

Note: Since the end of 2002, Ontario Regulation 9/01 has been amended by Ontario Regulations 39/03 and 131/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 9/01 is amended by adding the following item:

Nissan Canada Inc.

2. Section 3 of the Regulation is revoked and the following substituted:**Revocation****3. This Regulation is revoked on July 1, 2005.**

TIMOTHY PATRICK HUDAK

Minister of Consumer and Business Services

Dated on June 23, 2003.

28/03

ONTARIO REGULATION 261/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: June 25, 2003

Filed: June 26, 2003

Amending O. Reg. 200/02

(Consumer Protection)

Note: Since the end of 2002, Ontario Regulation 200/02 has been amended by Ontario Regulation 194/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraph 1 of subsection 6 (2.1) of Ontario Regulation 200/02 is amended by adding the following subparagraph:

- ix. in the case of a contract for the provision of electricity, a statement that the contract will only be renewed or extended if the consumer specifically acknowledges in writing that the consumer has read the information referred to in subparagraph iv.

(2) Subsection 6 (2.1) of the Regulation is amended by adding the following paragraph:

5. In the case of a contract for the provision of electricity, a renewal or extension of the contract is void unless the consumer specifically acknowledges in writing that the consumer has read the information referred to in subparagraph 1 iv.

(3) Subsection 6 (5.3) of the Regulation is revoked and the following substituted:

(5.3) Despite the *Electronic Commerce Act, 2000*, an acknowledgement under paragraph 5.1 of subsection (2) and paragraph 5 of subsection (2.1) may not be given by telephone unless a voice recording of the telephone acknowledgment is made and, on request, is given to the consumer.

28/03

ONTARIO REGULATION 262/03
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: June 25, 2003
Filed: June 27, 2003

Amending O. Reg. 442/01
(Rural or Remote Electricity Rate Protection)

Note: Ontario Regulation 442/01 has not previously been amended.

1. Section 2 of Ontario Regulation 442/01 is amended by adding the following paragraph:

5. Consumers who occupy residential premises in an area served by a distributor where,
- i. the distributor is licensed to serve the consumers,
 - ii. the area is not less than 10,000 square kilometres in size, and
 - iii. the average customer density for the distributor is less than seven customers per kilometre of distribution line.

2. Paragraph 4 of subsection 4 (4) of the Regulation is revoked and the following substituted:

4. After paragraphs 1, 2 and 3 are complied with, the Board shall take reasonable steps to ensure that the remainder of the total amount of rate protection available under subsections (1) and (2) is used to provide rate protection to,
- i. the persons described in subsection 79 (2) of the Act,
 - ii. the consumers who are in the class described by paragraph 2 of section 2, and
 - iii. the consumers who are in the class described by paragraph 5 of section 2 to the maximum set out in a rate order amended under section 79.8 of the Act.

3. Subsections 5 (12) and (13) of the Regulation are revoked and the following substituted:

(12) If the amount collected under subsection (5) in 2003 exceeds the total amount of rate protection available for eligible consumers under subsection 4 (1) in 2003, the excess less the amount used to provide rate protection under subparagraph 4 iii of subsection 4 (4) shall be applied against the amount necessary to compensate distributors who are entitled to compensation under subsection 79 (3) of the Act for 2004.

(13) If the amount collected under subsection (5) in 2003 is less than the total amount of rate protection available for eligible consumers under subsection 3 (1) in that period, the difference plus the amount used to provide rate protection under subparagraph 4 iii of subsection 4 (4) shall be added to the amount necessary to compensate distributors who are entitled to compensation under subsection 79 (3) of the Act for 2004.

28/03

ONTARIO REGULATION 263/03

made under the

COURTS OF JUSTICE ACT

Made: April 24, 2003
 Approved: June 25, 2003
 Filed: June 27, 2003

Amending Reg. 194 of R.R.O. 1990
 (Rules of Civil Procedure)

Note: Since the end of 2002, Regulation 194 has been amended by Ontario Regulations 19/03 and 54/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Paragraphs 4 and 5 of subrule 4.05.1 (2) of Regulation 194 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

4. A request to renew under subrule 60.07 (8.1).
5. An amendment to the writ under subrule 60.07 (11.1).

(2) Rule 4.05.1 of the Regulation is amended by adding the following subrule:

(3) The Minister of Finance may use the authorized software to file electronically the following documents, to date them and to record the date of issue or filing:

1. A warrant described in rule 60.07.1.
2. A request to renew under subrule 60.07 (8.1) that relates to a warrant described in rule 60.07.1.
3. An amendment under subrule 60.07 (11.1) that relates to a warrant described in rule 60.07.1.
4. A withdrawal under subrule 60.15 (2.1) that relates to a warrant described in rule 60.07.1.

2. Subrule 14.03 (4.1) of the Regulation is amended by striking out "Form 14A, 14B, 14C or 14D" and substituting "Form 14A, 14B or 14C".

3. The English version of subrule 30.1.01 (8) of the Regulation is amended by striking out "the interests of justice outweigh" and substituting "the interest of justice outweighs".

4. (1) Clause 53.09 (1) (a) of the Regulation is amended by striking out "(Series B113911)" and substituting "(Series V121808, formerly Series B113911)".

(2) Clause 53.09 (2) (b) of the Regulation is amended,

- (a) by striking out "(Series B113867)" and substituting "(Series V121758, formerly Series B113867)"; and
- (b) by striking out "(Series B113911)" and substituting "(Series V121808, formerly Series B113911)".

5. The Regulation is amended by adding the following rule:

WARRANT ISSUED BY MINISTER OF FINANCE***Application of Rules***

60.07.1 (1) These rules apply, with necessary modifications, to a warrant that is issued by the Minister of Finance under an Act and directed to a sheriff, as if the warrant were a writ of seizure and sale.

Electronic Filing

(2) A warrant described in subrule (1) may be filed electronically under subrule 4.05.1 (3).

Direction to Enforce

(3) When a warrant described in subrule (1) has been filed with the sheriff, the Minister of Finance may file with the sheriff a direction to enforce setting out,

- (a) the date and amount of the warrant;
- (b) the rate of interest payable;
- (c) the date and amount of any payment received since the warrant was issued; and
- (d) the amount owing under the warrant, including interest,

and directing the sheriff to enforce the warrant for the amount owing, subsequent interest and the sheriff's fees and expenses.

6. (1) Subrule 61.16 (1) of the Regulation is revoked and the following substituted:

Rule 37 Applies Generally

(1) Rule 37, except rules 37.02 to 37.04 (jurisdiction to hear motions, place of hearing, to whom to be made) and rule 37.17 (motion before commencement of proceeding), applies to motions in an appellate court, with necessary modifications.

(2) Subrule 61.16 (3.1) of the Regulation is revoked.

(3) Subrule 61.16 (4) of the Regulation is revoked and the following substituted:

Motion Record and Factum

(4) On a motion referred to in subrule (3),

(a) the moving party,

(i) shall serve a motion record that contains the documents referred to in subrule 37.10 (2) and a factum consisting of a concise argument stating the facts and law relied on by the moving party, and

(ii) shall file three copies of the moving party's motion record and factum, with proof of service, within 30 days after filing the notice of motion;

(b) the responding party,

(i) may, if of the opinion that the moving party's motion record is incomplete, serve a motion record that contains the documents referred to in subrule 37.10 (3),

(ii) shall serve a factum consisting of a concise argument stating the facts and law relied on by the responding party, and

(iii) shall file three copies of the responding party's motion record and factum, with proof of service, within 25 days after service of the moving party's motion record and factum; and

(c) a party who intends to refer to a transcript of evidence at the hearing shall ensure that it is included in the motion record.

(4) Rule 61.16 of the Regulation is amended by adding the following subrules:

Registrar to Dismiss for Delay

(7) If the moving party has not served and filed the motion record and other documents in accordance with subrule (4),

(a) the responding party may make a motion to the Registrar, on 10 days notice to the moving party, to have the motion dismissed for delay;

(b) the Registrar may serve notice on the moving party that the motion will be dismissed for delay unless the motion record and other documents are served and filed within 10 days after service of the notice.

(8) The Registrar shall make an order in Form 61J.1 dismissing the motion for delay, with costs, if the moving party,

(a) in the case of a motion under clause (7) (a), does not serve and file the motion record and other documents before the hearing of that motion, or within such longer period as a judge of the appellate court allows;

(b) in the case of a notice under clause (7) (b), does not serve and file the motion record and other documents within 10 days after the notice is served, or within such longer period as a judge of the appellate court allows.

7. The English version of subrule 67.02 (2) of the Regulation is amended by striking out "maintenance" and substituting "support".

8. The English version of subrule 72.03 (14) of the Regulation is amended by striking out "maintenance" and substituting "support".

9. Subrule 76.02 (7) of the Regulation is revoked and the following substituted:

Continuance Under Simplified Procedure — Where Notice Required

(7) An action that was not commenced under this Rule is continued under this Rule if,

(a) the consent of all the parties is filed; or

(b) no consent is filed but,

(i) the plaintiff's pleading is amended to comply with subrule (1), and

(ii) all other claims, counterclaims, crossclaims and third party claims comply with this Rule.

10. The Regulation is amended by adding the following Form:

Form 61.J.1

Courts of Justice Act

ORDER DISMISSING MOTION FOR DELAY

ORDER DISMISSING MOTION FOR DELAY

(General heading in accordance with Form 61B)

ORDER DISMISSING MOTION FOR DELAY

The moving party on this motion has not served and filed the motion record, factum and other material in accordance with subrule 61.16 (4) of the Rules of Civil Procedure.

IT IS ORDERED that this motion be dismissed for delay, with costs.

Date

Signed by

Registrar of the Court of Appeal (or Divisional Court)

11. (1) Subject to subsection (2), this Regulation comes into force on January 1, 2004.

(2) Sections 1, 4 and 5 come into force on filing.

RÈGLEMENT DE L'ONTARIO 263/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 24 avril 2003
approuvé le 25 juin 2003
déposé le 27 juin 2003

modifiant le Règl. 194 des R.R.O. de 1990
(Règles de procédure civile)

Remarque : Depuis la fin de 2002, le Règlement 194 a été modifié par les Règlements de l'Ontario 19/03 et 54/03. Les modifications antérieures sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) Les dispositions 4 et 5 du paragraphe 4.05.1 (2) du Règlement 194 des Règlements refondus de l'Ontario de 1990 sont abrogées et remplacées par ce qui suit :

4. Une demande de renouvellement visée au paragraphe 60.07 (8.1).

5. La modification du bref visée au paragraphe 60.07 (11.1).

(2) La règle 4.05.1 du Règlement est modifiée par adjonction du paragraphe suivant :

(3) Le ministre des Finances peut utiliser le logiciel autorisé pour déposer électroniquement les documents suivants, les dater et enregistrer la date de délivrance ou de dépôt :

1. Un mandat visé à la règle 60.07.1.

2. Une demande de renouvellement visée au paragraphe 60.07 (8.1) qui se rapporte à un mandat visé à la règle 60.07.1.

3. Une modification visée au paragraphe 60.07 (11.1) qui se rapporte à un mandat visé à la règle 60.07.1.

4. Un retrait visé au paragraphe 60.15 (2.1) qui se rapporte à un mandat visé à la règle 60.07.1.

2. Le paragraphe 14.03 (4.1) du Règlement est modifié par substitution de «la formule 14A, 14B ou 14C» à «la formule 14A, 14B, 14C ou 14D».

3. La version anglaise du paragraphe 30.1.01 (8) du Règlement est modifiée par substitution de «the interest of justice outweighs» à «the interests of justice outweigh».

(2) L'alinéa 53.09 (2) b) du Règlement est modifié :

- a) par substitution de «(série V121758, anciennement série B113867)» à «(série B113867)»;
- b) par substitution de «(série V121808, anciennement série B113911)» à «(série B113911)».

5. Le Règlement est modifié par adjonction de la règle suivante :

MANDAT DÉCERNÉ PAR LE MINISTRE DES FINANCES

Application des règles

60.07.1 (1) Les présentes règles s'appliquent, avec les adaptations nécessaires, à un mandat décerné par le ministre des Finances en vertu d'une loi et adressé à un shérif, comme s'il s'agissait d'un bref de saisie-exécution.

Dépôt électronique

(2) Le mandat visé au paragraphe (1) peut être déposé électroniquement en vertu du paragraphe 4.05.1 (3).

Ordre d'exécution

(3) Lorsqu'un mandat visé au paragraphe (1) a été déposé auprès du shérif, le ministre des Finances peut déposer auprès de lui un ordre d'exécution énonçant :

- a) la date du mandat et le montant visé par celui-ci;
- b) le taux d'intérêt exigible;
- c) la date et le montant des paiements reçus depuis que le mandat a été décerné;
- d) le montant qui reste dû selon le mandat, y compris les intérêts,

et enjoignant au shérif d'exécuter le mandat pour le montant dû, plus les intérêts postérieurs et ses propres honoraires et frais.

6. (1) Le paragraphe 61.16 (1) du Règlement est abrogé et remplacé par ce qui suit :

Application générale de la Règle 37

(1) À l'exclusion des règles 37.02 à 37.04 (compétence pour connaître des motions, lieu de l'audience, personnes devant lesquelles les motions doivent être présentées) et de la règle 37.17 (motion précédant l'introduction de l'instance), la Règle 37 s'applique, avec les adaptations nécessaires, aux motions présentées devant un tribunal d'appel.

(2) Le paragraphe 61.16 (3.1) du Règlement est abrogé.

(3) Le paragraphe 61.16 (4) du Règlement est abrogé et remplacé par ce qui suit :

Dossier de motion et mémoire

(4) Dans une motion visée au paragraphe (3) :

- a) l'auteur de la motion fait ce qui suit :
 - (i) il signifie un dossier de motion comprenant les documents visés au paragraphe 37.10 (2) et un mémoire comprenant une argumentation concise exposant les faits et les règles de droit qu'il invoque,
 - (ii) il dépose trois copies de son dossier de motion et de son mémoire, avec la preuve de leur signification, au plus tard 30 jours après avoir déposé l'avis de motion;
- b) la partie intimée fait ce qui suit :
 - (i) elle peut, si elle est d'avis que le dossier de motion de l'auteur de la motion est incomplet, signifier un dossier de motion comprenant les documents visés au paragraphe 37.10 (3),
 - (ii) elle signifie un mémoire comprenant une argumentation concise exposant les faits et les règles de droit qu'elle invoque,
 - (iii) elle dépose trois copies de son dossier de motion et de son mémoire, avec la preuve de leur signification, au plus tard 25 jours après la signification du dossier de motion et du mémoire de l'auteur de la motion;
- c) la partie qui a l'intention de se référer à la transcription d'un témoignage à l'audience veille à ce qu'elle soit incluse dans le dossier de motion.

(4) La règle 61.16 du Règlement est modifiée par adjonction des paragraphes suivants :

Rejet par le greffier pour cause de retard

(7) Si l'auteur de la motion n'a pas signifié ni déposé le dossier de motion et les autres documents conformément au paragraphe (4) :

- a) la partie intimée peut, sur préavis de 10 jours à l'auteur de la motion, présenter une motion au greffier en vue de faire rejeter la motion pour cause de retard;
- b) le greffier peut signifier à l'auteur de la motion un avis portant que la motion sera rejetée pour cause de retard, à moins que le dossier de motion et les autres documents ne soient signifiés et déposés dans les 10 jours qui suivent la signification de l'avis.

(8) Le greffier peut rendre une ordonnance rejetant la motion pour cause de retard, avec dépens, qui est rédigée selon la formule 61J.1, si l'auteur de la motion :

- a) dans le cas d'une motion présentée en vertu de l'alinéa (7) a), ne signifie ni ne dépose le dossier de motion et les autres documents avant l'audition de cette motion, ou dans le délai plus long accordé par un juge du tribunal d'appel;
- b) dans le cas d'un avis visé à l'alinéa (7) b), ne signifie ni ne dépose le dossier de motion et les autres documents dans les 10 jours qui suivent la signification de l'avis ou dans le délai plus long accordé par un juge du tribunal d'appel.

7. La version anglaise du paragraphe 67.02 (2) du Règlement est modifiée par substitution de «support» à «maintenance».

8. La version anglaise du paragraphe 72.03 (14) du Règlement est modifiée par substitution de «support» à «maintenance».

9. Le paragraphe 76.02 (7) du Règlement est abrogé et remplacé par ce qui suit :

Continuation de l'action selon la procédure simplifiée — avis requis

(7) L'action qui n'a pas été introduite dans le cadre de la présente Règle est continuée dans le cadre de celle-ci si les conditions suivantes sont réunies :

- a) le consentement des parties est déposé;
- b) aucun consentement n'est déposé, mais :
 - (i) d'une part, l'acte de procédure du demandeur est modifié pour être conforme au paragraphe (1),
 - (ii) d'autre part, les autres demandes, demandes reconventionnelles, demandes entre défendeurs et mises en cause sont conformes à la présente Règle.

10. Le Règlement est modifié par adjonction de la formule suivante :

Formule 61J.1

Loi sur les tribunaux judiciaires

ORDONNANCE REJETANT LA MOTION POUR CAUSE DE RETARD

ORDONNANCE REJETANT LA MOTION POUR CAUSE DE RETARD

(titre conformément à la formule 61B)

ORDONNANCE REJETANT LA MOTION POUR CAUSE DE RETARD

L'auteur de la motion n'a pas signifié ni déposé le dossier de motion, le mémoire et les autres documents, contrairement à ce qu'exige le paragraphe 61.16 (4) des Règles de procédure civile.

IL EST ORDONNÉ que cette motion soit rejetée pour cause de retard, avec dépens.

Date :

Signature :

Greffier de la Cour d'appel (ou de la Cour divisionnaire)

11. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le 1^{er} janvier 2004.

(2) Les articles 1, 4 et 5 entrent en vigueur le jour du dépôt du présent règlement.

HEALTH INSURANCE ACT

Made: June 25, 2003
Filed: June 27, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03, 62/03, 86/03, 179/03, 203/03, 221/03 and 256/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Paragraph 1 of subsection 37.5 (4) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

1. A service set out in Appendix E to the General Preamble to the schedule of benefits.
2. This Regulation shall be deemed to have come into force on April 1, 2003.

28/03

ONTARIO REGULATION 265/03

made under the

HEALTH INSURANCE ACT

Made: June 25, 2003
Filed: June 27, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03, 62/03, 86/03, 179/03, 203/03, 221/03, 256/03 and 264/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The definition of “schedule of benefits” in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“schedule of benefits” means the document published by the Ministry of Health and Long-Term Care titled “Schedule of Benefits — Physician Services under the *Health Insurance Act* (July 1, 2003)” but does not include the “[Commentary...]” portions of the document.

(2) Subsection 1 (4) of the Regulation is revoked.

2. This Regulation comes into force on July 1, 2003.

28/03

ONTARIO REGULATION 266/03

made under the

HEALTH INSURANCE ACT

Made: June 25, 2003

Filed: June 27, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 552 has been amended by Ontario Regulations 18/03, 50/03, 62/03, 86/03, 179/03, 203/03, 221/03, 256/03, 264/03 and 265/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The definition of “schedule of benefits” in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“schedule of benefits” means the document published by the Ministry of Health and Long-Term Care titled “Schedule of Benefits — Physician Services under the *Health Insurance Act* (July 1, 2003)” and includes the following amendments, but does not include the “[Commentary...]” portions of the document:

1. Amendments dated August 1, 2003.
- 2. This Regulation comes into force on August 1, 2003.**

28/03

**Publications under the Regulations Act
Publications en vertu de la Loi sur les règlements**

2003—07—19

ONTARIO REGULATION 267/03
made under the
NUTRIENT MANAGEMENT ACT, 2002

Made: June 26, 2003

Filed: June 30, 2003

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PART I DEFINITIONS AND INTERPRETATION

DEFINITIONS AND GENERAL

Definitions and general

1. (1) In this Regulation,

“accredited certifier” means a person who holds a reviewer certificate under section 104;

“agricultural source material” means the following material if it is capable of being applied to land as nutrients:

- 1. Manure produced by farm animals, including associated bedding materials.
- 2. Runoff from farm-animal yards and manure storages.
- 3. Washwaters from agricultural operations that have not been mixed with human waste.
- 4. Materials from a treatment system.
- 5. Organic materials produced by intermediate generators;

“application”, in relation to the application of a material to land, does not include the direct deposit onto land of feces or urine by animals;

“aquifer” means an underground formation of saturated permeable rock or loose material including soil that can produce useable quantities of water when tapped by a well;

“broker” means a person who,

(b) does not generate a new nutrient product from the materials, and

(c) transfers the materials to another operation, applies the materials to land as nutrients on behalf of another person, or stores them for either of those purposes;

“broking operation” means an operation by virtue of which a person is a broker;

“commercial fertilizer” means a fertilizer or supplement, as both of those terms are defined in the *Fertilizers Act* (Canada);

“compacted soil liner”, in relation to a permanent nutrient storage facility, means a liner composed of hydraulically secure soil that is compacted to 95 per cent of modified Proctor at the optimum moisture content to meet a maximum saturated hydraulic conductivity of not more than 1×10^{-9} metres per second;

“concrete” means Portland cement concrete;

“Construction and Siting Protocol” means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003 that consists of chapters NSTS-01 to NSTS-09;

“contingency plan” means a proposal in a nutrient management strategy or plan for dealing with,

(a) an excess of prescribed materials or nutrients, if the amount of prescribed materials or nutrients generated or received at a farm unit is greater than that otherwise provided for by the strategy or plan,

(b) an excess of prescribed materials or nutrients, if the amount of prescribed materials or nutrients requiring storage prior to use exceeds or is anticipated to exceed the storage capacity available for prescribed materials or nutrients otherwise provided for by the strategy or plan,

(c) unanticipated releases of prescribed materials or nutrients from storage or during transport or application,

(d) inability to store, apply or otherwise use prescribed materials or nutrients as otherwise provided for by the strategy or plan, as a result of weather conditions or unavailability of equipment, or

(e) any other contingency requiring the handling or storage of prescribed materials or nutrients in an emergency;

“control”, as a verb in relation to land, an agricultural operation or a non-agricultural operation, includes manage and operate;

“crop residue” means the unharvested portion of a crop left on the surface of the soil of land after the harvest of a crop grown on the land;

“Drainage Guide for Ontario” means the document of that name published by the Ministry of Agriculture and Food and dated 1997 under the identification number RP-02-97-POD;

“earth” means inorganic components of the earth’s crust such as clay, silt, sand, gravel or any mixture of those components and may contain small amounts of organic materials;

“engineered material” means synthetic material or natural material that has been reworked to create material that meets,

(a) the standard set out in the definition of “hydraulically secure soil”, in the case of that soil,

(b) the requirements specified in Part VIII, in the case of other material located immediately under a permanent nutrient storage facility;

“facultative hydrophilic plants” means plants that thrive in, but do not require the presence of, surface water or continuously saturated soil;

“farm unit” means land consisting of, or designated as, a farm unit under section 5;

“flow path”, in relation to a facility, site, outdoor confinement area or temporary storage area, means a surface channel or depression that conducts liquids away from the facility, site or area;

“frozen soil” means soil that is consolidated by the presence of frozen moisture in the soil, in any layer with a minimum thickness of 5 centimetres, where the layer is located within the top 15 centimetres of the soil;

“generator” means a person who owns or controls an operation in the course of which prescribed materials are generated, and includes an intermediate generator;

“geomembrane liner” means a synthetic membrane with very low permeability used to control fluid migration in a nutrient storage facility;

“geosynthetic clay liner” means a liner that consists of high swelling sodium bentonite between two layers of geotextile fabric having a saturated hydraulic conductivity of 1×10^{-9} metres per second or less used to control fluid migration in a nutrient storage facility;

“ground level”, in relation to a nutrient storage facility, means the lowest surface grade within a perimeter of two metres of the facility;

“high-density permanent outdoor confinement area” means an outdoor confinement area,

- (a) to which the animals confined in the area have access for 4,800 hours of the year and where the number of animals confined in the area, at any time, is sufficient to generate nutrients at a rate of more than 120 nutrient units per hectare annually, or
- (b) an area that meets the following requirements:
 - (i) the animals confined in the area have access to the area for less than 4,800 hours of the year.
 - (ii) the area is part of a farm unit that contains a sufficient number of farm animals to generate 300 or more nutrient units annually.
 - (iii) the number of nutrient units generated by the animals confined in the area in the year multiplied by the proportion of the year during which the animals are confined in the area is more than five nutrient units per hectare;

“hydraulically secure soil” means natural soil that is consistent in nature and able to meet a maximum saturated hydraulic conductivity of 1×10^{-8} metres per second;

“incorporation” means the mixing of nutrients into the surface of soil by tillage with a minimum depth of soil disturbance of 10 centimetres;

“injection”, in relation to the application of nutrients to land, means the placement of nutrients below the surface of the soil of the land;

“intermediate generator” means a person who owns or controls an intermediate operation;

“intermediate operation” means an operation carried out with prescribed materials generated in the course of another operation, resulting in the production of prescribed materials that have different characteristics from those of the materials in the form in which they were generated, such as nutrient content, density or volume;

“liner” includes a geomembrane liner, a geosynthetic clay liner and a compacted soil liner;

“liquid”, in relation to prescribed materials or nutrients, means prescribed materials or nutrients that are not solid;

“liquid nutrient transfer system” means all pipes and surfaces that come into contact with liquid prescribed materials but does not include the components of a permanent liquid nutrient storage facility or a vehicle that is used to transport liquid nutrients;

“livestock” includes poultry and ratites;

“living crop” means a crop that has been planted and has emerged from the soil, and if it is dormant, that must be reasonably expected to resume growing under suitable conditions;

“Local Advisory Committee Protocol” means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003;

“low-density permanent outdoor confinement area” means a permanent outdoor confinement area used for 4,800 hours or more in a calendar year where the number of animals confined in the area, at any time, is not sufficient to generate nutrients at a rate of more than 120 nutrient units per hectare annually;

“maximum sustained slope” means the average change in elevation from the top to the bottom of a slope divided by the length of the slope expressed as a percentage, where the slope has a minimum length of 10 metres and where the slope is towards surface water;

“municipal well” means a well that serves as a raw water supply for a municipal drinking-water system as defined in the *Safe Drinking Water Act, 2002*;

“NMAN” means,

- (a) the computer program of that name prepared by the Ministry of Agriculture and Food for the purposes of preparing nutrient management strategies or plans and dated June 30, 2003, or
- (b) unless this Regulation specifies otherwise, the workbook version of the computer program mentioned in clause (a), where the workbook is prepared by the Ministry of Agriculture and Food and dated June 30, 2003 for persons who do not use a computer to prepare nutrient management strategies or plans;

“non-agricultural operation” means,

- (a) an intermediate or broking operation, or

"non-agricultural source material" means the following material if it is intended to be applied to land as nutrients:

1. Pulp and paper biosolids.
2. Sewage biosolids.
3. Any other material that is not from an agricultural source that is capable of being applied to land as a nutrient;

"Nutrient Management Protocol" means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003;

"nutrient unit" means the amount of nutrients that give the fertilizer replacement value of the lower of 43 kilograms of nitrogen or 55 kilograms of phosphate as nutrient as established by reference to the Nutrient Management Protocol;

"obligate hydrophilic plants" means plants that require the presence of surface water or continuously saturated soils for their survival;

"observation station" means a device that intercepts the flow of liquid in a tile drain and that is used to collect, observe and monitor the amount and condition of liquid in the tile drain;

"observation and shut-off station" means an observation station that is equipped with a valve attached to the gravity outflow pipe to allow the flow of liquid in a tile drain to be shut off;

"operation" means an agricultural operation or a non-agricultural operation;

"operation identifier" means a unique identifier that a Director assigns, for the purposes of a nutrient management strategy or plan, to an operation or a farm unit on which an agricultural operation is carried out;

"organic soils" means soils containing more than 17 per cent organic carbon by weight, commonly known as peat, muck, bog or fen soils;

"outdoor confinement area" means an enclosure for livestock, deer, elk or game animals that has the following characteristics:

1. It has no roof, except as described in paragraph 3.
2. It is composed of fences, pens, corrals or similar structures.
3. It may contain a shelter to protect the animals from the wind or another shelter with a roof of an area of less than 20 square metres.
4. It has permanent or portable feeding and watering equipment.
5. The animals are fed or watered at the enclosure.
6. The animals may or may not have access to other buildings or structures for shelter, feeding or watering.
7. Grazing and foraging provides less than 50 per cent of dry matter intake;

"permanent liquid nutrient storage facility" means a permanent nutrient storage facility that is designed and constructed to contain liquid prescribed material;

"permanent nutrient storage facility" means a facility for storing prescribed material, including a storage facility made of earth that is a permanent structure or part of a permanent structure but does not include,

- (a) a permanent solid nutrient storage facility that has less than 14 days of storage capacity,
- (b) a permanent liquid nutrient storage facility that has less than 14 days of storage capacity and a maximum depth of liquid nutrient that is less than 100 millimetres, or
- (c) nutrient application or irrigation systems used to deliver liquid fertilizer to crops;

"permanent outdoor confinement area" means an outdoor confinement area that is accessible to animals for 4,800 hours or more in total in a calendar year;

"permanent solid nutrient storage facility" means a permanent nutrient storage facility that is designed and constructed to contain solid prescribed material;

"prescribed material" means an agricultural source material or a non-agricultural source material, other than a commercial fertilizer or compost that meets the guidelines entitled *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* prepared by the Ministry of the Environment for the purposes of this Regulation and dated November 1991;

"pretilled" means land that is sufficiently disturbed by tillage to disrupt large cracks and pores that could conduct liquid materials into subsurface soil or tile drains;

- “professional engineer” means a person who holds a licence or a temporary licence under the *Professional Engineers Act* but does not include a person who holds a limited licence issued under that Act;
- “professional geoscientist” means a person who is a member in good standing of the Association of Professional Geoscientists of Ontario or who holds a valid certificate of authorization under the *Professional Geoscientists Act, 2000*, but does not include a limited member or a non-practising member of that Association;
- “residential area” means an area in which there are four or more lots of not more than one hectare,
- (a) that are adjacent to each other or not separated by anything other than a road allowance or right of way, and
 - (b) on each of which there is a residential building;
- “runoff” means a liquid that,
- (a) has come into contact with manure in a permanent nutrient storage facility, temporary field nutrient storage site or outdoor livestock confinement area,
 - (b) may contain components of manure in solution or suspension, and
 - (c) is no longer contained in the permanent nutrient storage facility, temporary field nutrient storage site or outdoor livestock confinement area;
- “Sampling and Analysis Protocol” means the document of that name prepared by the Ministry of Agriculture and Food and the Ministry of the Environment for the purposes of this Regulation and dated June 30, 2003;
- “site characterization” means a site characterization carried out in accordance with a study under Part VIII;
- “snow-covered soil” means soil with a layer of snow on the surface that has an average minimum depth of 5 centimetres;
- “soil test hole” means a hole that is dug or drilled into soil for the purpose of determining the characteristics of the soil in accordance with this Regulation and chapter NSTS-03 of the Construction and Siting Protocol;
- “solid”, in relation to prescribed materials or nutrients, means having a dry matter content of 18 per cent or more or a slump of 150 millimetres or less using the Test Method for the Determination of Liquid Waste (slump test) set out in Schedule 5 to Regulation 347 made under the Environmental Protection Act;
- “surface water” means surface water as defined in section 2;
- “synthetic liner” means a geomembrane liner or a geosynthetic clay liner;
- “temporary field nutrient storage site” means a location that is not a permanent nutrient storage facility and where solid prescribed materials are stored for more than 24 hours;
- “tillage” means the mechanical disturbance of soil so as to be turned, mixed or displaced from its undisturbed state;
- “top”, in relation to a defined channel or a bank of surface water, means,
- (a) the edge of the channel or bank, if there is a sharp change from the steep slope of the channel or bank to the shallower slope of the field area, or
 - (b) the normal full extent of the watercourse when it contains the maximum volume of water without flooding, if the change in slope described in clause (a) does not exist;
- “treatment system” means a treatment system that is capable of changing the characteristics of an input stream that contains nutrients;
- “unsaturated” means a soil water content that is less than 100 per cent of the total pore space, or that is at a negative soil water pressure as determined according to the Nutrient Management Protocol for unsaturated soil conditions;
- “vegetated buffer zone” means an area that,
- (a) has a width of at least three metres, adjacent to the top of the bank of surface water, measured away from the top of the bank of the surface water nearest the buffer zone, and
 - (b) is maintained under continuous vegetated cover, including perennial grasses, forbs or trees and perennial forage crops that can be harvested as hay or silage;
- “water table”, in relation to land, means the highest level of water found at a well, as recorded in the water well records for the nearest water wells or as determined by a test hole dug at or before the application of materials containing nutrients to the land;
- “well” includes a gas well, oil well, unused well, test well and water well.
- (2) In the Act,
- “generator” means generator as defined in subsection (1).

- (a) a reference to a nutrient includes a reference to material that contains the nutrient;
- (b) a reference to a nutrient management strategy or plan includes a reference to a short-form nutrient management strategy or plan, as the case may be, used in accordance with section 18 or 25, as the case may be.

Surface water

- 2. (1) In this Regulation,

“surface water” means, subject to subsection (2),

- (a) a natural or artificial channel that carries water continuously throughout the year, or intermittently, and does not have established vegetation within the bed of the channel except vegetation dominated by obligate or facultative hydrophilic plants,
 - (b) a lake, reservoir, pond or sinkhole, or
 - (c) a wetland as defined in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*.
- (2) The following are not surface water for the purposes of this Regulation:
- 1. Grassed waterways.
 - 2. Temporary channels for surface drainage, such as furrows or shallow channels that can be tilled and driven through.
 - 3. Rock chutes and spillways.
 - 4. Roadside ditches that do not contain a continuous or intermittent stream.
 - 5. Temporarily ponded areas that are normally farmed.
 - 6. Artificial bodies of water intended for the storage, treatment or recirculation of runoff from farm-animal yards and manure storages.

Nutrients

- 3. The application to land of agricultural source materials or non-agricultural source materials is a prescribed use for the purpose of the definition of “nutrient” in section 2 of the Act.

INCORPORATED DOCUMENTS

Incorporated documents

- 4. (1) The Minister shall ensure that copies of all documents incorporated by this Regulation, including the Construction and Siting Protocol, the Local Advisory Committee Protocol, NMAN, the Nutrient Management Protocol and the Sampling and Analysis Protocol, are made available to the public by either of the following means:

- 1. A posting on a web site maintained by the Ministry and a notice in the registry under the *Environmental Bill of Rights, 1993*.
- 2. Any other print or electronic medium of mass communication.

- (2) Subsection (1) does not apply to an Act or Regulation of Ontario or Canada.

FARM UNITS

What constitutes a farm unit

- 5. (1) An area of land used for an agricultural operation, part of an agricultural operation or more than one agricultural operation constitutes a single farm unit for the purposes of this Regulation only if the following rules apply:

- 1. It must be reasonably necessary, for the avoidance of any adverse effect described in subsection 18 (3) of the Act, for any prescribed materials generated on the land, or any nutrients applied on the land, to be managed by reference to a single nutrient management strategy or plan.
- 2. If prescribed materials are generated in the course of an agricultural operation carried out on the land, the land of the farm unit must include all land that the current owner of the land on which the materials are generated acquired under a single transfer as defined in the *Land Registration Reform Act* and on which the materials are managed.
- 3. Despite paragraph 2, the land of the farm unit does not include land to which prescribed materials generated in the course of an agricultural operation are transferred if the nutrient management strategy or plan for the operation provides for the materials to be transferred and if the transfer is done in accordance with this Regulation,
 - i. under a broker agreement,
 - ii. under a nutrient transfer agreement,

- iii. to another agricultural operation for application to land, or
- iv. for use other than as a nutrient.

4. A part of a farm unit on which agricultural source material is generated may be located at any distance from a part of the farm unit where the material is applied to land.

(2) If a person owns or controls land in relation to which a nutrient management strategy or plan has been or is being prepared, a Director may, on application by the person or on the Director's own initiative, by certificate given to the person, designate land described in the certificate as a farm unit for the purposes of the strategy or plan, regardless of whether the person owns or controls all or part of the designated land.

(3) A Director shall have regard to the rules described in subsection (1) in making a decision to designate land as a farm unit.

APPLICATION OF REGULATION

Application of Regulation

6. (1) This Regulation does not apply to a farm unit that generates five or fewer nutrient units of manure annually.

(2) Non-agricultural source material may be applied to land in a farm unit in accordance with a certificate of approval under Part V of the *Environmental Protection Act* if the requirements of this Regulation with respect to the application are satisfied.

FARM ANIMAL NUMBERS

No restriction on farm animal numbers

7. For the purposes of the Act and this Regulation, there shall be no restriction on the numbers of farm animals that may be managed in the course of an agricultural operation, unless imposed expressly or by implication by this Regulation or by an order made under section 29 or 30 of the Act.

CONFLICT

Conflict with other instruments

8. Subject to the Act, the requirements of this Regulation are in addition to and independent of the requirements in an approval, order or instrument issued under any other Act, other than a municipal by-law, and in the event of conflict, shall prevail.

PART II STRATEGIES AND PLANS: GENERAL NUTRIENT MANAGEMENT STRATEGIES

Application of strategies

9. (1) A nutrient management strategy applies to,

- (a) an agricultural operation carried out on a farm unit; or
- (b) a non-agricultural operation.

(2) A separate nutrient management strategy is required for each farm unit on which an agricultural operation to which a nutrient management strategy applies is carried out.

Compliance with strategy

10. (1) A person who owns or controls an agricultural or non-agricultural operation to which this section applies shall ensure that prescribed materials generated in the course of the operation are managed in accordance with a nutrient management strategy.

(2) No person shall manage prescribed materials that are generated in the course of an agricultural or non-agricultural operation to which this section applies except in accordance with a nutrient management strategy.

(3) This section does not apply to an agricultural fair at which farm animals are present for 25 days or less if all of the manure generated at the fair is disposed of under a broker agreement.

Phasing-in, agricultural operations

11. (1) Section 10 applies to an agricultural operation that generates agricultural source materials if the person who owns or controls the land, on which the operation is carried out and that the current owner acquired under a single transfer as defined in the *Land Registration Reform Act*, has not carried out the operation on the land at any time before September 30, 2003 and submits an application, on or after that date, for a building permit under the *Building Code Act, 1992* with respect to any building or structure that is used to house farm animals and that is located or to be located on the land.

September 30, 2003, to generate 300 or more nutrient units annually.

(3) Section 10 applies to an agricultural operation that generates agricultural source materials on or after July 1, 2005 if the number of farm animals on a farm unit on which the operation is carried out is sufficient to generate 300 or more nutrient units annually.

(4) Section 10 applies to an agricultural operation that generates agricultural source materials at the earliest time that subsections (1), (2) and (3) determine that the section is to apply.

Phasing-in, non-agricultural operations

12. (1) Section 10 applies, on or after the date set out in Column 2 of the following Table, to a non-agricultural operation that generates the non-agricultural source materials described in Column 1 opposite the date in the circumstances, if any, described in Column 1:

TABLE

Item	Column 1	Column 2
	Type of non-agricultural source materials generated and circumstances	Date of phasing-in
1.	Pulp and paper biosolids	January 1, 2008
2.	Sewage biosolids if,	
	(a) the operation is a municipal sewage processor that is sufficient to generate fewer than 4,450 cubic metres per day	January 1, 2008
	(b) the operation is a municipal sewage processor that is sufficient to generate 4,450 cubic metres or more per day but no more than 45,400 cubic metres per day	January 1, 2007
	(c) the operation is a municipal sewage processor that is sufficient to generate more than 45,400 cubic metres per day	January 1, 2005
3.	Non-agricultural source material that is not described in item 1 or 2	January 1, 2007

(2) In subsection (1),

“municipal sewage processor” means a non-agricultural operation consisting of sewage works as defined in the *Ontario Water Resources Act* for which an approval has been given under section 53 of that Act authorizing,

- (a) the treatment of sewage for a municipality, and
- (b) the generation of prescribed materials that are intended to be applied to land.

NUTRIENT MANAGEMENT PLANS

Application of plans

13. (1) A nutrient management plan applies to an agricultural operation carried out on a farm unit.

(2) A separate nutrient management plan is required for each farm unit on which an agricultural operation to which a nutrient management plan applies is carried out.

Compliance with plan

14. (1) A person who owns or controls an agricultural operation, to which this section applies and in the course of which nutrients are applied to the land of a farm unit, shall ensure that the nutrients are managed in accordance with a nutrient management plan.

(2) No person shall manage nutrients that are stored or applied to the land of a farm unit in the course of an agricultural operation to which this section applies except in accordance with a nutrient management plan.

(3) If the application of this Regulation results in more than one rate of application of a nutrient to land or a rate of application of a nutrient to land that is different from the rate that results from a certificate of approval under Part V of the *Environmental Protection Act*, the lowest such rate of application prevails.

(4) If the application of this Regulation results in more than one setback distance or a setback distance that is different from a distance set out in a certificate of approval under Part V of the *Environmental Protection Act*, the greatest such setback distance prevails.

Phasing-in

15. Section 14 applies to an agricultural operation that is carried out on a farm unit as soon as the person who owns or controls it is required to have a nutrient management strategy for carrying out the operation on the farm unit.

**PART III
STRATEGIES AND PLANS: PREPARATION**

PRECONDITION

Requirement for other agreements

16. A person who is required to have a nutrient management strategy or plan that mentions a transfer agreement that a person is required to enter into under subsection 20 (1) or an agreement that a broker is required to enter into under subsection 36 (1) or 37 (1) shall,

- (a) enter into those agreements that are applicable to the person or the person's agricultural or non-agricultural operation; and
- (b) at the time the strategy or plan comes into force, have the agreements mentioned in clause (a) in force.

NUTRIENT MANAGEMENT STRATEGIES

Preparation and contents

17. (1) A nutrient management strategy for an agricultural or non-agricultural operation,

- (a) must be prepared by a person qualified to do so under Part X;
- (b) unless it is a short-form nutrient management strategy authorized by section 18, must comply with this Regulation, the Nutrient Management Protocol, the Construction and Siting Protocol and the Sampling and Analysis Protocol; and
- (c) must be signed by the owner of the operation, if the owner is not a corporation, or by an authorized agent of the corporation that owns the operation.

(2) A nutrient management strategy for an agricultural or non-agricultural operation must account for the total quantity of prescribed materials that are suitable for application to land as nutrient and that it is reasonable to expect will be generated in the course of the operation, in each year for which the strategy is prepared.

(3) On application by the person responsible for preparing a nutrient management strategy, a Director shall assign an operation identifier to the following, unless the Ministry has already assigned an operation identifier to the operation:

- 1. The agricultural or non-agricultural operation to which the strategy applies.
- 2. Each farm unit on which an agricultural operation, to which the strategy applies, is carried out.

Short-form strategy

18. (1) If this Regulation requires a person who owns or controls an agricultural operation to have a nutrient management strategy for carrying out the operation, the strategy may be a short-form nutrient management strategy if,

- (a) the Nutrient Management Protocol provides a short form nutrient management strategy;
 - (b) the number of farm animals on the farm unit on which the operation is carried out is sufficient to generate fewer than 150 nutrient units annually; and
 - (c) the operation does not involve applying liquid manure or non-agricultural source materials to land.
- (2) A short-form nutrient management strategy shall comply with the Nutrient Management Protocol.

(3) The Nutrient Management Protocol may specify information that, despite section 17, may be omitted from a short-form nutrient management strategy or may be presented in a different form in a short-form nutrient management strategy.

Management of nutrients for non-nutrient purposes

19. A nutrient management strategy may provide for some or all of the prescribed materials that are dealt with by the strategy to be managed for non-nutrient purposes.

Transfer of prescribed materials outside operation

20. (1) If this Regulation requires a person who owns or controls an agricultural or non-agricultural operation to have a nutrient management strategy that requires the person to transfer prescribed materials generated in the course of the operation to another operation for which this Regulation requires a nutrient management plan, the person who owns or controls the operation from which the materials are to be transferred shall enter into an agreement with respect to the transfer with the person who owns or controls the operation to which the materials are to be transferred.

(2) The nutrient management strategy may provide for the transfer of prescribed materials to an operation only if the strategy or another nutrient management strategy or plan provides for the management of the transferred materials at the operation.

(3) The transfer agreement shall comply with the Nutrient Management Protocol.

the materials are transferred may be anywhere without regard to the distance from the location of the operation, in the course of which the materials are generated.

Incorporation of plans and other strategies

21. (1) A nutrient management strategy for an agricultural operation may incorporate another nutrient management strategy or plan only if,

- (a) the incorporating strategy and the other strategy or plan are directly controlled by the same person; or
- (b) the other strategy or the plan itself provides for being so incorporated.

(2) If a nutrient management strategy for an agricultural operation incorporates another nutrient management strategy or plan that is not independently approved or certified under this Regulation and if the incorporating strategy is approved or certified under this Regulation, then for the purposes of this Regulation the other strategy or the plan shall be deemed to be approved or certified, as the case requires, by virtue of the approval or certification of the incorporating strategy, while that approval or certification remains in force.

Cessation of strategies

22. A nutrient management strategy ceases to be in force for an agricultural or non-agricultural operation at the earliest of the following times:

1. The fifth anniversary of the day on which the strategy came into force or was approved or certified under this Regulation, whichever is later.
2. The occurrence of any of the following events:
 - i. A change of ownership or control of the operation that adversely affects the capacity of a person who currently owns or controls the operation to implement the strategy.
 - ii. The end of a year in which there is an increase of 20 per cent or more in the quantity of nutrients generated in the course of the operation since the first year during which the strategy was in force.
 - iii. An increase in storage capacity using either new permanent nutrient storage facilities or new temporary field nutrient storage sites on the farm unit on which the agricultural operation is carried out.
 - iv. A change in the use of nutrients generated in the course of the operation, including a change from applying the nutrients to the land to having an intermediate handler process them.
 - v. The loss of available destinations resulting in an amount of prescribed materials being generated that exceeds the amount that the strategy can accommodate.
 - vi. The end of a year in which the quantity of agricultural source materials transferred to any single farm unit or non-agricultural operation since the previous year increases by at least 30 nutrient units, if the increase is at least 10 per cent of the number of nutrient units transferred, in the previous year, to the farm unit on which the agricultural operation is carried out or to the non-agricultural operation.

NUTRIENT MANAGEMENT PLANS

Purposes

23. A nutrient management plan must give effect to the following purposes in accordance with the Nutrient Management Protocol:

1. The optimization of the relationship between the land-based application of nutrients, farm management techniques and crop requirements.
2. Land use which maximizes the efficiency of on-site nutrient use.
3. The minimization of adverse environmental impact.

Preparation and contents

24. (1) A nutrient management plan for an agricultural operation,

- (a) must be prepared by a person qualified to do so under Part X;
- (b) must comply with this Regulation, the Nutrient Management Protocol, the Construction and Siting Protocol, the Sampling and Analysis Protocol and, unless it is a short-form nutrient management plan authorized by section 25, NMAN; and
- (c) must be signed by the owner of the operation, if the owner is not a corporation, or by an authorized agent of the corporation that owns the operation.

(2) A nutrient management plan for an agricultural operation must account for the total quantity of nutrients that it is reasonable to expect will be applied to land in the course of the operation during each year for which the plan is prepared.

(3) A nutrient management plan may deal with land in separate parts, including sections of fields, if the land or the agricultural operation is not of a uniform character because of the physical nature of the land or the crops to be grown on the land.

(4) On application by the person responsible for preparing a nutrient management plan, a Director shall assign an operation identifier to the operation to which the plan applies, unless the Ministry has already assigned an operation identifier to the operation.

Short-form plan

25. (1) If this Regulation requires a person who owns or controls an agricultural or non-agricultural operation to have a nutrient management plan for carrying out the operation, the plan may be a short-form nutrient management plan if,

- (a) the Nutrient Management Protocol provides a short form nutrient management plan;
 - (b) the number of farm animals on the farm unit on which the operation is carried out is sufficient to generate fewer than 150 nutrient units annually; and
 - (c) the operation does not involve applying liquid manure or non-agricultural source materials to land.
- (2) A short-form nutrient management plan shall comply with the Nutrient Management Protocol.

(3) The Nutrient Management Protocol may specify information that, despite section 24, may be omitted from a short-form nutrient management plan or may be presented in a different form in a short-form nutrient management plan.

Cessation of plans

26. A nutrient management plan ceases to be in force for an agricultural operation carried out on farm unit at the earliest of the following times:

- 1. The fifth anniversary of the day on which the plan came into force or was approved or certified under this Regulation, whichever is later.
- 2. The occurrence of any of the following events:
 - i. The end of a year in which there is an increase of 20 per cent or more in the quantity of nutrients stored or applied to land in the course of the operation since the first year during which the plan was in force.
 - ii. The end of a year in which, because of a change in the cropping system at the farm unit, there is a decrease of 20 per cent or more in crop removal of nitrogen and phosphorus provided by nutrients received at the farm unit since the first year during which the plan was in force.
 - iii. The end of a year in which there is a decrease in land available for the application of nutrients on the farm unit of more than 10 per cent, amounting to a decrease of at least 10 hectares, since the first year during which the plan was in force.

PART IV STRATEGIES AND PLANS: APPROVAL AND CERTIFICATION

APPROVAL

Requirement for approval

27. (1) A nutrient management strategy for an agricultural or non-agricultural operation requires the approval of a Director if,

- (a) the operation is an agricultural operation that generates agricultural source materials and the number of farm animals on the farm unit on which the operation is carried out is sufficient to generate 150 or more nutrient units annually; or
 - (b) the operation is a non-agricultural operation that generates non-agricultural source materials that are intended to be applied to land.
- (2) A nutrient management plan for an agricultural operation requires the approval of a Director if,
- (a) the person who owns or controls the operation is required to have a nutrient management strategy that a Director has approved under this Regulation for carrying out the operation; or
 - (b) non-agricultural source material is received in the course of carrying out the operation.

Procedure for obtaining approval

28. (1) A person who applies for the approval of a Director for a nutrient management strategy or plan shall submit the strategy or plan to a Director in accordance with the requirements of the Nutrient Management Protocol.

- (a) approve the strategy or plan, with or without the conditions described in subsection (4);
- (b) request the person to provide further relevant information; or
- (c) refuse to approve the strategy or plan and request the person to revise it and resubmit it in accordance with the directions in the notice mentioned in subsection (5).

(3) The Director shall not approve the nutrient management strategy or plan unless it is prepared in accordance with this Regulation.

(4) The Director may, as a condition of approving a strategy or plan, restrict, modify or place conditions on any of the activities described in the strategy or plan.

(5) Upon taking an action described in clause (2) (a), (b) or (c), the Director shall deliver a notice to the person.

Update after five years

29. (1) If a Director has approved a nutrient management strategy or plan for an agricultural or non-agricultural operation under this Regulation and the approval is still in force, a person who owns or controls the operation shall submit a new nutrient management strategy or plan for the operation to a Director for approval at least 90 days before the fifth anniversary of the day on which a Director gave the original approval for the operation.

(2) Section 28 applies to the application for approval submitted under subsection (1).

(3) If the Director does not approve or refuses to approve the new strategy or plan before the fifth anniversary of the day on which a Director gave the original approval, the new strategy or plan, incorporating all later revisions that the Director requests under clause 28 (2) (c), shall be deemed to be approved from the date of that anniversary until the earliest of whichever of the following dates are applicable:

- 1. The date on which the Director actually approves the new strategy or plan.
- 2. The date on which the Director refuses to approve the new strategy or plan.
- 3. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer approved.

Update after less than five years

30. (1) If a Director has approved a nutrient management strategy or plan for an agricultural or non-agricultural operation under this Regulation and a person who owns or controls the operation has reasonable grounds to believe that the strategy or plan will cease to be in force because an event described in paragraph 2 of section 22 or 26 is likely to occur, the person shall, without undue delay, submit a new nutrient management strategy or plan to a Director for approval.

(2) Section 28 applies to the application for approval submitted under subsection (1).

(3) Despite section 10 or 14, if the person described in subsection (1) complies with that subsection, the operation may continue to be carried out from the date on which the event occurs until the earliest of whichever of the following dates are applicable:

- 1. The date on which the Director actually approves the new strategy or plan.
- 2. The date on which the Director refuses to approve the new strategy or plan.
- 3. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer approved.

Transition

31. If, before September 30, 2003, the Ministry issued a notice to a person who owns or controls an operation that a strategy or plan for managing prescribed materials or nutrients generated or received in the course of the operation was satisfactory, the strategy or plan shall be deemed to be approved under this Regulation as a nutrient management strategy or plan until the earlier of the following dates:

- 1. The expiry date, if any, specified on the notice.
- 2. September 30, 2008.

CERTIFICATION

Certification by accredited certifier

32. (1) If this Regulation requires a person who owns or controls an agricultural operation to ensure that there is in force a nutrient management strategy or plan for the operation but does not require that it have the approval of a Director, the person may apply to have an accredited certifier certify the nutrient management strategy or plan.

(2) An accredited certifier who receives a nutrient management strategy or plan for certification under this section shall certify it if it complies with this Regulation and the Nutrient Management Protocol.

Update after five years

33. (1) If an accredited certifier has certified a nutrient management strategy or plan for an agricultural operation and the certification is still in force, a person who owns or controls the operation shall apply to have an accredited certifier certify a new nutrient management strategy or plan for the operation at least 90 days before the fifth anniversary of the day on which an accredited certifier gave the original certification.

(2) Section 32 applies to the application for certification submitted under subsection (1).

(3) If the certifier does not certify the new strategy or plan before the fifth anniversary of the day on which an accredited certifier gave the original certification, the new strategy or plan shall be deemed to be certified from the date of that anniversary until the earliest of whichever of the following dates are applicable:

1. The date on which the certifier actually certifies the new strategy or plan.
2. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer certified.

Update after less than five years

34. (1) If an accredited certifier has certified a nutrient management strategy or plan for an agricultural operation under this Regulation and a person who owns or controls the operation has reasonable grounds to believe that the strategy or plan will cease to be in force because an event described in paragraph 2 of section 22 or 26 is likely to occur, the person shall, without undue delay, submit a new nutrient management strategy or plan to an accredited certifier for certification.

(2) Section 32 applies to the application for certification submitted under subsection (1).

(3) Despite section 10 or 14, if the person described in subsection (1) complies with that subsection, the operation may continue to be carried out from the date on which the event occurs until the earliest of whichever of the following dates are applicable:

1. The date on which the certifier actually certifies the new strategy or plan.
2. The date on which a provincial officer or Director issues an order under section 29 of the Act stating that the new strategy or plan is no longer certified.

PART V BROKERS

Requirement for strategy or plan at source or destination

35. (1) Subject to subsection (2), a broker shall not accept prescribed materials from an operation or transfer prescribed materials to an operation if,

- (a) this Regulation requires the person who owns or controls the operation to ensure that there is a nutrient management strategy or plan in relation to the management of the materials; and
- (b) there is no such nutrient management strategy or plan.

(2) Subsection (1) does not apply to a non-agricultural source material that a broker receives pursuant to an approval under Part V of the *Environmental Protection Act*.

Arrangements with generators and other sources

36. (1) A broker who receives prescribed materials from a generator who this Regulation requires to have a nutrient management strategy to carry out the operation in the course of which the materials were generated shall enter into an agreement, in the form specified in the Nutrient Management Protocol, with the generator.

(2) A broker who is required to enter into an agreement described in subsection (1) shall record the following information in the form required by the Nutrient Management Protocol:

1. The type and quantity of the prescribed materials received and the date of receipt.
2. A description of the operation in the course of which the materials were generated.
3. The operation identifier for the operation in the course of which the materials were generated or for the farm unit where the operation is carried out and the approval number assigned by a Director to the nutrient management strategy for the operation or farm unit.

(3) The broker shall retain the records required by subsection (2) for four years after the date of receiving the prescribed materials.

Arrangements with receivers

37. (1) A broker who transfers prescribed materials to an agricultural or a non-agricultural operation for which this Regulation requires a nutrient management plan shall,

- (a) enter into an agreement, that complies with the Nutrient Management Protocol, with the person who owns or controls the operation; and
 - (b) ensure that the materials are transferred in accordance with a nutrient management plan.
- (2) The broker shall record the following information in the form required by the Nutrient Management Protocol:
1. The type and quantity of prescribed materials transferred and the date of transfer.
 2. A description of the operation to which the materials are transferred.
 3. The operation identifier for the operation or for the farm unit where the operation is carried out, if applicable, and the approval number assigned by the Director to the nutrient management strategy or plan for the farm unit or operation.
- (3) The broker shall retain the records required by subsection (2) for four years after the date of transferring the prescribed materials.

Management of prescribed materials

38. No person shall store, transport or otherwise manage prescribed materials in the course of a broking operation except in accordance with this Regulation.

PART VI LAND APPLICATION STANDARDS

GENERAL

Compliance

39. A person who owns or controls an agricultural operation, in the course of which materials are applied to land, shall ensure that the requirements of this Part are met in relation to the operation.

Precondition

40. This Part applies to the application of nutrients to land in the course of an agricultural operation only if this Regulation requires the operation to have a nutrient management plan.

Prohibitions, non-agricultural source material

41. No person shall apply non-agricultural source materials to,

- (a) the land of an established golf course;
- (b) land on which tobacco is grown;
- (c) any land where the soil test for plant available phosphorus, as described in the Sampling and Analysis Protocol, exceeds 60 milligrams of phosphorous per litre of soil; or
- (d) any land that has a soil pH value, as determined in accordance with the Sampling and Analysis Protocol, of less than six.

LIQUID PRESCRIBED MATERIALS

Application rates

42. (1) No person shall apply liquid prescribed materials to land, within 150 metres from the top of the bank of surface water,

- (a) if the runoff potential for the land shown on the table to subsection (3) shows that no application is allowed;
- (b) at a rate in excess of that determined under the table to subsection (5); or
- (c) if the field slope of the land is greater than 12 per cent.

(2) Land is divided into the soil hydrological groups as determined in accordance with the Drainage Guide for Ontario.

(3) The runoff potential of land for a hydrologic soil group set out in Column 1 of the following Table is set out in Column 2 opposite it in the circumstances described in Column 2:

TABLE

Column 1	Column 2		
Hydrologic soil group	Runoff Potential		
	Maximum sustained field slope of the land within 150 metres of the top of the bank of surface water		
	at least 3% but less than 6%	at least 6% but less than 9%	at least 9%
Category A: Rapid	Very Low	Low	High
Category B: Moderate	Low	Moderate	High
Category C: Slow	Moderate	High	No application allowed
Category D: Very Slow	High	High	No application allowed

(4) For the purposes of subsection (3), the maximum sustained field slope of land shall be determined in accordance with the Nutrient Management Protocol.

(5) The maximum rate for the single application of liquid prescribed materials to land within a 24-hour period, in the case of land for which the runoff potential is set out in Column 1 of the following Table, is set out in,

- (a) Column 2 opposite it, if the materials are applied to the surface of land;
- (b) Column 3 opposite it, if the materials are injected or incorporated into the land or if the land is pretilled:

TABLE

Column 1	Column 2	Column 3
Runoff potential of land	Maximum rate of single application to land if the materials are applied to the surface of land	Maximum rate of single application to land if the materials are injected or incorporated into the land or if the land is pretilled
High	50 cubic metres per hectare (m ³ /ha)	75 m ³ /ha
Moderate	75 m ³ /ha	100 m ³ /ha
Low	100 m ³ /ha	130 m ³ /ha
Very Low	130 m ³ /ha	150 m ³ /ha

(6) For the purposes of subsection (5), materials are incorporated into land only if they are incorporated into the land within 24 hours of being applied to it.

(7) For the purposes of subsection (5), land is pretilled only if the tillage occurred not more than seven days before the application of the liquid prescribed materials to it.

WELLS AND OTHER LAND USES

Set-backs from wells

43. (1) No person shall apply nutrients to land closer than 100 metres to a municipal well.

(2) No person shall apply prescribed materials to land closer than 15 metres to a drilled well that has a depth of at least 15 metres and a watertight casing to a depth of at least six metres below ground level.

(3) No person shall apply agricultural source materials to land closer than 30 metres to a well, other than a well described in subsection (1) or (2).

(4) No person shall apply non-agricultural source materials to land closer than 90 metres to a well, other than a well described in subsection (1) or (2).

(5) No person shall apply commercial fertilizer or compost to land closer than three metres to a water well that is not a municipal well.

(6) In subsection (5),

“compost” means compost that meets the guidelines entitled *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* prepared by the Ministry of the Environment for the purposes of this Regulation and dated November 1991.

ADJACENT SURFACE WATER

Requirement for vegetated buffer zone

44. (1) No person shall apply nutrients to a field that contains or is adjacent to surface water unless there is a vegetated buffer zone in the field that is adjacent to the surface water and that lies between the surface water and where the nutrients are applied.

(2) Subsection (1) does not apply in relation to the application of nutrients to a field that is composed of organic soils.

(4) No person shall apply materials containing nitrogen and phosphorous to any part of the field, whether or not within the vegetated buffer zone, that is within 13 metres from the top of the nearest bank of the surface water.

(5) Despite subsection (4), a person may apply commercial fertilizers or agricultural source material within the 13 metres from the top of the nearest bank of the surface water if the application is done in accordance with this Regulation and is done,

- (a) by injection or placement in a band below the soil surface;
- (b) so that the materials applied are incorporated within 24 hours of application;
- (c) to land covered with a living crop; or
- (d) to land with crop residue covering at least 30 per cent of the soil, as determined in accordance with the Nutrient Management Protocol.

Application of non-agricultural source materials

45. Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall apply non-agricultural source materials to a field that contains or is adjacent to surface water, if the application is closer than 20 metres from the top of the nearest bank of the surface water.

Minimum depth to groundwater

46. No person shall apply prescribed materials to land unless there is at least 30 centimetres of unsaturated soil condition at the surface of the land at the time of application.

APPLICATION DURING WINTER AND OTHER TIMES WHEN SOIL IS SNOW-COVERED OR FROZEN

Application during winter to soil that is not snow-covered or frozen

47. (1) During the period beginning on December 1 of one year and ending on March 31 of the following year, no person shall apply prescribed materials, other than non-agricultural source materials that are pulp and paper biosolids or sewage biosolids, to land where the soil is not snow-covered or frozen unless the following requirements are met:

1. The application must be done by,
 - i. injection,
 - ii. incorporation within the same day, or
 - iii. surface application to land that is covered by a living crop or crop residue that covers at least 30 per cent of the land surface, as determined in accordance with the Nutrient Management Protocol.
2. If the materials are liquid, the setback from the top of the bank of surface water must be 20 metres or more.
3. If the materials are solid manure and the maximum sustained slope of the land is greater than 6 per cent, the materials must not be applied within 100 metres from the top of the bank of surface water.
4. If the materials are non-agricultural source material or liquid agricultural source material and the maximum sustained slope of the land is greater than 3 per cent, the materials must not be applied within 100 metres from the top of the bank of surface water.

(2) Despite subsection (1), during the period beginning on December 1 of one year and ending on March 31 of the following year, no person shall apply materials to land under that subsection where the soil is not snow-covered or frozen if,

- (a) the land is subject to flooding once or more every five years, according to flood plain mapping provided by a municipality or conservation authority; or
- (b) water collects on the land during a rain storm or thaw and flows directly into surface water.

(3) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, during the period beginning on December 1 of one year and ending on March 31 of the following year, no person shall apply non-agricultural source materials that are sewage biosolids to land where the soil is not snow-covered or frozen.

Application to snow-covered or frozen soil

48. (1) No person shall apply agricultural source materials to land where the soil is snow-covered or frozen at any time unless,

- (a) the requirements set out in paragraphs 2, 3 and 4 of subsection 47 (1) are met;
- (b) if the materials are not solid manure, the application is done by injection or incorporation within six hours; and

- (c) if the materials are solid manure, the application is done by incorporation within six hours or the following requirements are met:
 - (i) the maximum depth of snow in the area of application must be 15 centimetres.
 - (ii) the maximum slope of the area of application must be less than 3 per cent.
 - (iii) the setback from the top of the bank of surface water must be 100 metres or more.
- (2) Despite subsection (1), no person shall apply agricultural source materials to land where the soil is snow-covered or frozen at any time if,
 - (a) the land is subject to flooding once or more every five years, according to flood plain mapping provided by a municipality or conservation authority; or
 - (b) water collects on the land during a rain storm or thaw and flows directly into surface water.
- (3) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall apply non-agricultural source materials that are sewage biosolids to land where the soil is snow-covered or frozen at any time.

METHODS OF APPLICATION

High trajectory irrigation guns

- 49.** (1) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall use a high trajectory irrigation gun capable of spraying liquid more than 10 metres to apply manure or non-agricultural source materials to land except if the material being applied is an aqueous solution or suspension containing more than 99 per cent water by weight.
- (2) Subsection (1) does not apply to the application of manure to land in the course of an agricultural operation until the earlier of the following times:
1. The day on which this Regulation requires the operation to have a nutrient management plan, if this Regulation requires the operation to have a nutrient management plan.
 2. March 31, 2005.

Direct flow application systems

- 50.** (1) No person shall apply manure or non-agricultural source materials directly from a storage facility to land by a direct flow application system unless the system is operated in accordance with this section.
- (2) Two or more operators in voice or electronic contact with each other at all times during the application may operate a direct flow application system if,
- (a) a first operator has a full view of the area of land to which the manure or non-agricultural source materials are being applied; and
 - (b) a second operator is close enough to the system to shut it down within one minute after being advised by the first operator that a problem event has occurred.
- (3) One operator may operate a direct flow application system if the operator has a full view of the area of land to which the manure or non-agricultural source materials are being applied and if,
- (a) the operator is close enough to the system to shut it down within one minute after observing that a problem event has occurred; or
 - (b) the application system is,
 - (i) linked to a remote control system that allows the operator to shut down the application system within one minute after observing that a problem event has occurred, and
 - (ii) designed to shut down automatically within one minute after it ceases to receive a signal from the remote control system.
- (4) A direct flow application system must be designed and operated so that when it is shut down no manure or non-agricultural source materials continue to flow from the storage facility by siphoning or other means.
- (5) In this section,
- “problem event” means the occurrence of any of the following events:
1. Manure or non-agricultural source materials are not being delivered to the application part of the system as intended by the person in charge of the operation of the system.

operation in the course of which they are applied to land.

3. The direct flow application system fails, resulting in manure or non-agricultural source materials escaping into the natural environment otherwise than as intended by the person in charge of operating the system.

FARM PRACTICES FOLLOWING APPLICATION OF NON-AGRICULTURAL SOURCE MATERIAL

Pre-harvest waiting period

51. No person shall harvest plant material set out in Column 1 of the following Table from a field to which a non-agricultural source material has been applied unless the waiting period set out in Column 2 opposite the plant material has expired:

TABLE

Column 1	Column 2
Plant material harvested	Waiting period
Commercial sod	12 months before harvest
Hay and haylage	3 weeks before harvest
Tree fruits and grapes	3 months before harvest
Small fruits	15 months before harvest
Vegetables	12 months before harvest

Pre-grazing waiting period

52. No person shall cause or permit an animal set out in Column 1 of the following Table to graze in a field to which a non-agricultural source material has been applied unless the waiting period set out in Column 2 opposite the animal has expired:

TABLE

Column 1	Column 2
Grazing animal	Waiting period
Horses, beef or dairy cattle	2 months before grazing
Swine, sheep or goats	6 months before grazing

PART VII OUTDOOR CONFINEMENT AREAS

Application

53. This Part applies to low-density and high-density permanent outdoor confinement areas used in the course of an agricultural operation that is carried out on a farm unit on or after the day on which this Regulation requires a person who owns or controls the operation to ensure that a nutrient management strategy is in force for the farm unit.

Requirements for load-bearing surface

54. (1) Subject to subsection (2), a person who owns or controls a high-density permanent outdoor confinement area or a permanent outdoor confinement area used in the course of an agricultural operation that is carried out on a farm unit, on which the number of farm animals is sufficient to generate 300 or more nutrient units annually, shall ensure that the load-bearing surface of the confinement area has at least one impervious layer that,

- (a) consists of Portland cement concrete, asphalt cement concrete or any other impervious paving material;
- (b) consists of a minimum of 1 metre of natural material that is located between the top of the load-bearing surface of the confinement area and the bedrock or a water table and that has a hydraulic conductivity of no greater than 1×10^{-8} metres per second or a 15 per cent clay content; or
- (c) consists of any natural or engineered material that provides equivalent or greater protection that is designed and constructed under the supervision of a professional engineer.

(2) If the permanent outdoor confinement area is located wholly or partly on natural material, the layer may consist of any of the materials mentioned in clause (1) (a), (b) or (c) and there may be different materials for different parts of the confinement area.

(3) A person who owns or controls a low-density permanent outdoor confinement area shall ensure that it has a minimum of 50 centimetres of natural material that,

- (a) is located between the top of the load-bearing surface of the confinement area and the bedrock or aquifer throughout the confinement area; and

- (b) has a saturated hydraulic conductivity of no greater than 1×10^{-8} metres per second, a 15 per cent clay content or equivalent protection.

Increase in capacity

55. A person who owns or controls a low-density or high-density permanent outdoor confinement area shall not construct a new structure or pave all or part of the load-bearing surface of the confinement area, so as to increase the capacity of the confinement area, unless the confinement area is not located,

- (a) within 15 metres of a drilled well that has a depth of at least 15 metres and a watertight casing to a depth of at least 6 metres below ground level;
- (b) within 100 metres of a municipal well;
- (c) within 30 metres of any other well; or
- (d) within 15 metres of a field drainage tile.

Livestock bedding and feeding

56. If a permanent outdoor confinement area that has a load-bearing surface composed of natural material is equipped with permanently located feeders, such as fence-line feeders, a person who owns or controls the confinement area shall ensure that each feeder shall have a load-bearing area that is,

- (a) large enough to allow animals to be fully supported while feeding at the feeder; and
- (b) composed of material that will prevent the feet of the animals from sinking more than 40 centimetres below the surface of the load-bearing area at any time.

Access of livestock to surface water

57. No person shall permit animals to have access to surface water if the animals are kept in a high-density permanent outdoor confinement area or a permanent outdoor confinement area used in the course of an agricultural operation that is carried out on a farm unit, on which the number of farm animals is sufficient to generate 300 or more nutrient units annually.

Nutrient management strategy required

58. No person shall keep animals in a permanent outdoor confinement area unless,

- (a) a nutrient management strategy applies to the confinement area; and
- (b) the manure produced by the animals that are kept in the confinement area is managed in accordance with the strategy.

Management of runoff

59. (1) In this section, despite the definition of “runoff” in subsection 1 (1),

“runoff” means a liquid that has come in contact with manure and that may contain components of manure in solution or suspension.

(2) A person who owns or controls a permanent outdoor confinement area shall provide a runoff management system for the confinement area.

(3) A runoff management system must be composed of natural or manufactured runoff collection, treatment and containment devices that are capable of preventing, collecting, treating or containing runoff generated by the confinement area.

(4) A runoff management system may include,

- (a) natural or manufactured devices that are capable of diverting up-slope water away from the confinement area;
- (b) vegetated buffer zones that are capable of keeping runoff out of surface water;
- (c) runoff collection and storage systems that are sufficient to deal with the runoff and that meet the standards for manure and runoff storage under Part VIII; and
- (d) an increased physical barrier to surface water that utilizes a non-tiled, permanently vegetated area that meets the requirements set out in subsection (5).

(5) The permanently vegetated area mentioned in clause (4) (d) must,

- (a) be located on a minimum 0.5 metres of soil and not be within 100 metres of a municipal well, 15 metres of a drilled well or within 30 metres of any other well;
- (b) have a flow path, onto which runoff from no more than 2,000 square metres of the outdoor confinement area is channelled and that measures,
 - (i) 100 metres for outdoor confinement areas of less than 500 square metres,

- (c) be used only if the confinement area is used in the course of an agricultural operation that is carried out on a farm unit, on which the number of farm animals is not sufficient to generate at least 150 nutrient units annually.

Management of manure

60. (1) Manure may be mounded in a permanent outdoor confinement area in order to facilitate the management of livestock in the confinement area.

(2) A person who owns or controls a permanent outdoor confinement area shall ensure that manure is removed from the confinement area at least once a year or more frequently if the accumulated manure may produce an adverse effect described in subsection 18 (3) of the Act.

(3) Despite subsection (2), no person is required to remove manure from a permanent outdoor confinement area if it is intentionally mounded in the confinement area as a livestock management and bedding tool, as authorized by an approved nutrient management strategy.

(4) A person who owns or controls a permanent outdoor confinement area shall ensure that manure that is removed from the confinement area is managed in accordance with a nutrient management strategy or plan.

Management of snow that contains manure

61. (1) No person shall store or use snow that contains manure that has been removed from a permanent outdoor confinement area except in accordance with this section.

(2) No person shall apply, to a field, snow containing manure that has been removed from a permanent outdoor confinement area unless,

- (a) the snow meets the parameters set out in the Nutrient Management Protocol for material that may be removed from outdoor confinement areas;
- (b) the field is designated in a nutrient management plan that provides for the application of the snow to the field;
- (c) the field has a maximum sustained slope of less than 3 per cent;
- (d) the snow is applied no closer than 40 metres from the top of the nearest bank of any surface water in the field and with four times the minimum setback distances for the application of agricultural source materials to land that are specified in section 43;
- (e) there is a 6 metre vegetated buffer zone along all surface water in the field and down slope edges of the field; and
- (f) the application rate is one-half of the maximum rate of application for nutrients, measured in units of weight per area of the field, otherwise established for the field.

(3) Snow that contains manure that has been removed from a permanent outdoor confinement area may be placed in,

- (a) a permanent nutrient storage facility that is constructed and operated in accordance with Part VIII; or
- (b) a temporary field nutrient storage site that is constructed and operated in accordance with Part VIII only if a nutrient management strategy or plan authorizes the placement and provides a method for dealing with melt water runoff from the storage site.

PART VIII SITING AND CONSTRUCTION STANDARDS

APPLICATION OF PART

Application of Part

62. This Part applies to an operation only if this Regulation requires the operation to have a nutrient management strategy or nutrient management plan.

PERMANENT NUTRIENT STORAGE FACILITIES — SITING

Siting

63. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation if the facility is located,

- (a) within 15 metres of a drilled well that has a depth of at least 15 metres and a watertight casing to a depth of at least 6 metres below ground level;
- (b) within 100 metres of a municipal well;
- (c) within 30 metres of any other well, if the facility is designed to store agricultural source materials; or

(d) within 90 metres of any other well, if the facility is designed to store non-agricultural source materials.

(2) Subject to subsections (5) and (6), on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation without,

- (a) determining the location of all field drainage tiles or piped municipal drains within 15 metres of the perimeter of the facility;
- (b) removing all drainage tiles within the 15 metre zone around the facility; and
- (c) redirecting the flow of the field drainage system or piped municipal drain away from the facility.

(3) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation if the facility does not have a flow path that is at least 50 metres long to the top of the bank of the nearest surface water.

(4) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation within the 1 in 100 year flood lines established by the municipality or the conservation authority having jurisdiction over the location of the facility unless a permit for the facility is issued under section 28 of the *Conservation Authorities Act*.

(5) A person who, on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, constructs a drainage system used in a farm unit in the course of the operation, within 15 metres of a permanent nutrient storage facility, that is intended to collect or divert water away from the facility shall ensure that the system is constructed with non-perforated pipe and that all subsurface joints in the piping are properly sealed unless,

- (a) water collected by the drainage system discharges into a treatment system; or
- (b) the foundation drains of the permanent nutrient storage facility are equipped with an observation and shut-off station.

(6) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation if the facility permits liquid prescribed materials to enter a tile drainage system.

SITE CHARACTERIZATIONS

Who can carry out investigations

64. No person shall carry out a hydrogeologic or geotechnical investigation for the purposes of this Part unless the person is a professional engineer or a professional geoscientist or is working under the supervision of a professional engineer or a professional geoscientist.

Permanent liquid nutrient storage facility

65. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent liquid nutrient storage facility used on a farm unit in the course of the operation unless the person retains the services of a professional engineer or professional geoscientist to carry out a site characterization study that consists of a stage one hydrogeologic or geotechnical investigation of the site of the proposed facility that identifies the soil types and the presence of any aquifer or bedrock, all to a depth of at least,

- (a) 1.5 metres below the lowest elevation of the excavation required for a structure made of concrete, steel or other materials that a professional engineer determines will provide equivalent protection; or
- (b) 2.5 metres below the lowest elevation of the excavation required for an earthen structure.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent liquid nutrient storage facility used on a farm unit in the course of the operation for prescribed materials unless the site of the facility meets or exceeds the following requirements:

1. Unlined concrete or steel storage facilities with reinforced concrete floors must have, between the bottom of the storage facility and the uppermost identified bedrock layer or aquifer, a minimum of 0.5 metres of hydraulically secure soil or 1.0 metres of soil comprised of a clay content of at least 10 per cent.
2. Lined concrete or steel storage facilities with reinforced concrete floors must have a minimum of 0.5 metres of native undisturbed material between the bottom and sides of the storage facility and the uppermost identified bedrock layer or aquifer.
3. Unlined concrete or steel storage facilities with unreinforced concrete floors must have, between the bottom of the storage facility and the uppermost identified bedrock layer or aquifer, a minimum of 1.0 metres of hydraulically secure

4. Lined concrete or steel storage facilities with unreinforced concrete floors must have a minimum of 1.0 metres of native undisturbed material or compacted granular material between the bottom of the storage facility and the uppermost identified bedrock layer or aquifer.
5. Unlined earthen storage facilities used to store agricultural source materials, other than manure and materials produced by intermediate handlers, must meet the requirements of subsection (3).
6. Lined earthen nutrient storage facilities must have a minimum of 2.0 metres of hydraulically secure soil between the bottom and sides of the lined storage facility and the uppermost identified bedrock layer or aquifer.
7. Nutrient storage facilities that are designed to incorporate a combined system, such as a facility that has earthen walls and a concrete floor, must satisfy the most restrictive criteria for the types of material used in the construction of the facility.

(3) A permanent liquid nutrient storage facility that is an unlined earthen facility can be used to store liquid agricultural source materials, other than manure and materials produced by intermediate handlers, if,

- (a) the facility has a maximum storage depth of 3.0 metres and a maximum storage volume of 2,500 cubic metres;
- (b) the facility has at least 2.0 metres of hydraulically secure material between the bottom and sides of the facility and the uppermost identified bedrock layer or unconfined aquifer;
- (c) the soil materials that form the interior surface of the facility are disked to a depth of at least 15 centimetres and recompacted with an approved compaction device;
- (d) any soil anomalies that are discovered during construction, such as coarse material lenses, large rocks or soil fractures are excavated and filled with an approved clay based material to a depth of one metre;
- (e) topsoil is stripped to the subsoil layer from the area where any berm is to be constructed and stockpiled for use in the outside slopes of the facility; and
- (f) any above ground berms are constructed of a material that is suitable for compaction to meet a maximum saturated hydraulic conductivity of 1×10^{-9} metres per second and be compacted to at least 95 per cent modified Proctor according to accepted engineering test criteria.

Permanent solid nutrient storage facility

66. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent solid nutrient storage facility used in the course of the operation on a farm unit, on which the number of farm animals is sufficient to generate 300 nutrient units or more annually, where the facility does not contain a concrete floor, unless the person retains the services of a professional engineer or professional geoscientist to carry out a stage one hydrogeologic or geotechnical investigation of the site of the proposed facility that establishes,

- (a) the fact that there is at least 0.9 metres of soil comprised of a clay content of at least 15 per cent; or
- (b) the fact that there is at least 0.5 metres of hydraulically secure material between the bottom of the proposed facility and the uppermost identified bedrock or aquifer.

Investigations

67. (1) The professional engineer or professional geoscientist responsible for the stage one investigation mentioned in subsection 65 (1) or section 66 shall analyze the data collected for the study to determine the suitability of the site of the proposed facility mentioned in the applicable subsection.

(2) The stage one investigation shall involve using a minimum of one test hole per 1,000 square metres of the ground floor area of the proposed facility to determine the characteristics of the soil.

(3) All test holes must be located in the zone that is at least three metres and not greater than 10 metres from the perimeter of the footprint of the proposed facility.

(4) If the results of the stage one investigation confirm that the site conditions described in subsection 65 (2) or section 66, as the case may be, for the proposed facility exist beneath and adjacent to the site of the proposed facility, the proponent may proceed to construct the proposed facility.

(5) If the results of the stage one investigation do not confirm that the site of the proposed facility is suitable for the construction and operation of a permanent liquid nutrient storage facility or a permanent solid nutrient storage facility without a concrete floor, as the case may be, the proponent of the project may,

- (a) evaluate another site;

- (b) in the case of a permanent liquid nutrient storage facility, construct a facility that is suitable for the site in accordance with subsection 65 (2);
- (c) in the case of a permanent solid nutrient storage facility, construct a facility with a concrete floor; or
- (d) carry out a stage two investigation of the site of the proposed facility in accordance with this Part and chapter NSTS-03 of the Construction and Siting Protocol.

(6) If the proponent elects to carry out a stage two investigation of the site of the proposed facility, the proponent's professional engineer or professional geoscientist shall develop the terms of reference for the stage two investigation to determine what measures could be used to provide adequate protection for the groundwater and shall submit the terms of reference to a Director.

(7) The proponent shall not proceed to construct the proposed facility unless,

- (a) the Director who receives the terms of reference for the stage two investigation issues a certificate to the proponent confirming that the terms of reference comply with the requirements of the regulations for the construction of the proposed facility;
- (b) the results of the stage two investigation confirm that the site of the proposed facility is suitable for the facility; and
- (c) the proponent constructs the facility in accordance with the recommendations, if any, contained in the stage two investigation.

(8) If the results of the stage two investigation do not confirm that the site of the proposed facility is suitable for the facility, the proponent may,

- (a) evaluate another site;
- (b) in the case of a permanent liquid nutrient storage facility, construct a facility that is suitable for the site in accordance with subsection 65 (2);
- (c) in the case of a permanent solid nutrient storage facility, construct a facility with a concrete floor; or
- (d) have a qualified professional develop an appropriate design, specific to the site, that will provide a level of protection for the groundwater that is the equivalent of construction in accordance with subsection 65 (2).

Sealing test holes

68. The qualified professional supervising the construction or expansion of a permanent nutrient storage facility shall ensure that the test holes that are excavated in the course of the site characterization and that are not required for any further purpose after the site characterization are plugged and sealed to provide a level of hydraulic conductivity that is the same or less than the hydraulic conductivity of the surrounding undisturbed soil.

STORAGE CAPACITY FOR OPERATIONS

Nutrient storage capacity

69. (1) Subject to subsections (2) to (6), no person shall control a livestock operation, for which this Regulation requires a nutrient management strategy or nutrient management plan and in the course of which manure is generated on a farm unit unless it includes, as part of the farm unit, a permanent nutrient storage facility, a temporary field nutrient storage site or a combination of such facilities and sites that is capable of containing at least all of the nutrients generated or received in the course of the operation during a period of 240 days.

(2) If a person who owns or controls a livestock operation has a nutrient management strategy for the operation that provides for the use or transfer of some or all of the nutrients generated in the course of the operation by a means that eliminates the need for storing the nutrients on the farm unit for 240 days, the storage capacity of the operation must be at least equal to the storage capacity that the strategy requires.

(3) If a person owns or controls a livestock operation described in subsection (4), the storage capacity of the operation must be equal to the storage capacity that the nutrient management plan for the operation requires for the operation, if the plan provides for the application to land, on a schedule of times that eliminates the need for storing nutrients on the farm unit for 240 days, of,

- (a) all of the nutrients received in the course of the operation; and
 - (b) the nutrients generated in the course of the operation, if the nutrient management strategy for the operation does not provide for their use or disposal.
- (4) Subsection (3) applies to a livestock operation,
- (a) that generates and uses only solid manure; or
 - (b) that generates liquid manure and that has not increased the number of farm animals on the farm unit on which the operation is carried out since September 30, 2003.

days for that person.

(6) If the period of use of a permanent livestock confinement area located on the farm unit is less than 240 days, the storage capacity of the permanent nutrient storage facility associated with the area must be adequate for the period of confinement.

Storage of non-agricultural source materials

70. (1) Subject to subsection (2), no person shall construct or enlarge a non-agricultural operation for which this Regulation requires a nutrient management strategy unless the operation has a permanent nutrient storage facility, a temporary field nutrient storage site or a combination of such facilities and sites that is capable of storing at least all of the non-agricultural source materials generated on or received at the operation during a period of 240 days.

(2) If a person who owns or controls a non-agricultural operation has a nutrient management strategy for the operation that provides for the use or transfer of some or all of the non-agricultural source materials generated in the course of the operation by a means that eliminates the need for storing the materials for 240 days, the storage capacity of the operation must be at least equal to the storage capacity that the strategy requires.

DESIGN AND CONSTRUCTION

Design and construction

71. (1) Subject to subsection (2), on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent nutrient storage facility used on a farm unit in the course of the operation unless,

- (a) a professional engineer designs the construction or expansion, including any associated monitoring systems, having regard to the design component criteria set out in the Construction and Siting Protocol and signs the Engineer's Commitment Certificate contained in the Protocol, by which the engineer undertakes to have regard to those criteria and to inspect the construction or expansion upon completion;
- (b) the facility is designed to minimize leakage, minimize corrosion and to be structurally safe and sound;
- (c) the construction or expansion complies with this Part and,
 - (i) chapter NSTS-04 of the Construction and Siting Protocol, if the facility is a permanent liquid nutrient storage facility and is not made out of earth,
 - (ii) chapter NSTS-05 of the Construction and Siting Protocol, if the facility is a permanent solid nutrient storage facility,
 - (iii) chapter NSTS-06 of the Construction and Siting Protocol, if the facility is a permanent liquid nutrient storage facility made out of earth;
- (d) the construction or expansion takes place under the supervision of a professional engineer; and
- (e) a professional engineer inspects the construction or expansion upon completion and confirms that it is in accordance with the design.

(2) The following nutrient storage facilities or sites are not subject to clauses (1) (a), (b), (d) and (e) if they are constructed in accordance with the requirements of this Part and the Construction and Siting Protocol:

1. Permanent solid nutrient storage facilities under 600 cubic metres in size with retaining walls that do not have an exposed height that exceeds 1,000 millimetres.
2. Temporary field nutrient storage sites.

Concrete quality

72. (1) A person who, on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, constructs a permanent nutrient storage facility used on a farm unit in the course of the operation and comprised wholly or partially of concrete shall ensure that the concrete used in the facility is appropriate for the environmental conditions encountered on site to maintain the durability, corrosion resistance and protection of reinforcements of the facility.

(2) The permanent nutrient storage facility must be constructed with a minimum thickness of 125 millimetres of concrete on the floor of the structure unless a professional engineer specifies otherwise.

LINERS

Installation of liners

73. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a liner in a permanent nutrient storage facility used on a farm unit in the course of the operation unless the installation complies with,

- (a) this Part and chapter NSTS-07a of the Construction and Siting Protocol, in the case of the installation of a synthetic liner;
- (b) this Part and chapter NSTS-07b of the Construction and Siting Protocol, in the case of the installation of a compacted soil liner.

(2) The liner must be continuous under the floor and footings of the facility and must extend up the wall to a level equal with the top of the ground surface, unless the qualified professional supervising the construction of the facility specifies otherwise.

Synthetic liners

74. (1) If, on or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, a synthetic liner is installed in a permanent nutrient storage facility used on a farm unit in the course of the operation, the liner must be anchored or bonded to the facility, subgrade, or earthen berms according to good engineering practices or to the manufacturer's specification.

(2) If an accessory structure creates a discontinuity in the synthetic liner, the liner must be bonded to the structure in accordance with the manufacturer's recommendation or using a method satisfactory to the professional engineer.

(3) The qualified professional or other person responsible for supervising the construction of the facility shall,

- (a) inspect the synthetic liner before the filling of the construction or the covering of the liner to ensure that there are no damage or perforations within the liner; and
- (b) ensure that any damage or perforations discovered during the inspection are repaired according to the engineer's instructions.

(4) The qualified professional shall inspect any repairs made to the liner to ensure that the integrity of the liner is maintained.

Compacted soil liners

75. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a compacted soil liner in a permanent nutrient storage facility used on a farm unit in the course of the operation if the liner contains materials that have not been excavated from the site of the facility unless a professional engineer has tested the materials to determine their hydraulic conductivity of the materials prior to the use of the materials in the compacted soil liner.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a compacted soil liner in a permanent nutrient storage facility used on a farm unit in the course of the operation unless,

- (a) the minimum thickness of the completed liner is at least 0.9 metres on the sloping inside walls and 0.6 metres on the bottom of the facility;
- (b) the liner on the inside wall of the facility is constructed using at least six layers of a thickness of no more than 150 millimetres;
- (c) the liner on the bottom of the facility is constructed using at least four layers of a thickness of no more than 150 millimetres;
- (d) the interface surface of layers is disked or scarified before placement of subsequent layers of material; and
- (e) each of the layers has been compacted to at least 95 per cent of modified Proctor maximum dry density as determined for the soil at a specified optimum water content.

PERMANENT LIQUID NUTRIENT STORAGE FACILITIES

Secondary containment

76. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent liquid nutrient storage facility used on a farm unit in the course of the operation, where the maximum liquid level is either partially or wholly located above the surface of the soil, unless,

- (b) a professional engineer specifies that the storage and landscape features around the facility are adequate to ensure that a secondary containment system is not required; or
- (c) the above grade portion of the facility has a secondary containment system with a capacity equivalent to 110 per cent of the above ground portion of the facility.

Importance factor for construction

77. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, a person who constructs a permanent liquid nutrient storage facility used on a farm unit in the course of the operation shall use an importance factor of 1.0, where importance factor is defined in subsection 4.1.3.2. (7) of Part 4 of the Building Code made under the *Building Code Act, 1992*.

Ventilation

78. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a permanent liquid nutrient storage facility used on a farm unit in the course of the operation if the facility is covered or otherwise allows manure gases to accumulate or intensify unless a ventilation system has been installed to eliminate corrosive, noxious or explosive gases.

(2) The ventilation system described in subsection (1) may include natural or powered means of dispersing the manure gases.

Earthen facilities

79. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a permanent liquid nutrient storage facility made of earth used on a farm unit in the course of the operation unless,

- (a) the dimensions of the facility have been calculated using NMAN;
- (b) the facility is designed to have a minimum freeboard of 0.3 metres;
- (c) the slope of the inside wall of the facility is consistent with the requirements of the liner design and pump out equipment and, unless a professional engineer specifies otherwise, is no steeper than 50 per cent; and
- (d) the slope of the outside wall of the facility is consistent with the requirements of the liner design and pump out equipment and, unless a professional engineer specifies otherwise, is no steeper than 33 per cent.

PERMANENT SOLID NUTRIENT STORAGE FACILITIES

Floors

80. On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a permanent solid nutrient storage facility used on a farm unit in the course of the operation unless it has,

- (a) a concrete floor or another floor that a professional engineer determines will provide equivalent protection to a concrete floor;
- (b) an earthen floor consisting of at least 0.5 metres of hydraulically secure soil; or
- (c) an earthen floor consisting of at least 0.5 metres of soil of type C or D as defined by the Drainage Guide for Ontario, in the case of a facility located on a farm unit where the number of farm animals is not sufficient to generate 300 or more nutrient units annually.

Runoff management system

81. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent solid nutrient storage facility used on the farm unit in the course of the operation unless it is equipped with a runoff management system that handles all of the runoff generated by the facility and that complies with this section.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a concrete yard used to house farm animals, other than a permanent outdoor livestock confinement area, unless it is equipped with a runoff management system that handles all of the runoff generated by the concrete yard and that complies with this section.

(3) A runoff management system for a permanent solid nutrient storage facility that is not described in subsection (4) or for a concrete yard that is not a permanent outdoor livestock confinement area and is not described in subsection (5) must consist of at least one of the following:

1. A roof over the facility or the yard, as the case may be, to prevent entry of precipitation.
2. Vegetated filter strips or an equivalent system, both of which is designed by a qualified professional and capable of minimizing the effect of runoff on surface water.
3. Runoff collection and storage systems that have the capacity to contain runoff emanating from the facility or the yard, as the case may be, for the storage period required by section 69.
- (4) Subsection (6) applies to a permanent solid nutrient storage facility that,
 - (a) has been constructed in accordance with NMAN criteria for the sizing of nutrient storage facilities to ensure that the facility is able to hold the projected manure produced for the storage period required by section 69;
 - (b) has a floor area of no more than 300 square metres;
 - (c) has a minimum of 75 per cent of its perimeter area contained by walls that are at least one metre high;
 - (d) has a floor slope of no greater than 1 per cent if it has been constructed after September 30, 2003;
 - (e) is used to store materials that contain no less than 30 per cent dry matter as determined in accordance with the Construction and Siting Protocol; and
 - (f) has been constructed with natural or manufactured devices that are capable of diverting up-slope water away from the facility.
- (5) Subsection (6) applies to a concrete yard used to house farm animals that,
 - (a) has a surface area of no more than 2,000 square metres;
 - (b) is not a permanent outdoor livestock confinement area; and
 - (c) is used to house farm animals that generate manure with a dry matter content of no less than 30 per cent as determined in accordance with the Construction and Siting Protocol.
- (6) A runoff management system for a permanent solid nutrient storage facility described in subsection (4) or a concrete yard described in subsection (5) shall consist of,
 - (a) the items set out in at least one of paragraphs 1, 2 and 3 of subsection (3); or
 - (b) a system that is an increased physical barrier to surface water and that utilizes a non-tiled, permanently vegetated area that,
 - (i) is located on a minimum 0.5 metres of soil,
 - (ii) is not located within 3 metres of a field tile drain, 100 metres of a municipal well, 15 metres of a drilled well or 30 metres of any other well, and
 - (iii) has a flow path that measures,
 - (A) at least 150 metres from surface water and tile inlets, if the facility or yard, as the case may be, handles manure with a dry matter content of 30 per cent or greater as determined in accordance with the Construction and Siting Protocol, or
 - (B) at least 50 metres from surface water and tile inlets, if the facility or yard, as the case may be, handles manure with a dry matter content of 50 per cent or greater as determined in accordance with the Construction and Siting Protocol.

TEMPORARY FIELD NUTRIENT STORAGE SITES

No storage of liquid nutrients

82. No person shall store liquid nutrients in a temporary field nutrient storage site.

Location of sites

83. (1) If nutrients are stored in a temporary field nutrient storage site for a period of longer than 24 hours, the location of the site must satisfy the following requirements:

1. The minimum depth of unconsolidated soil to bedrock, under the site and within three metres of the side of the site, must be 0.3 metres.
2. The minimum depth of soil above the water table, under the site and within 3 metres of the side of the site, must be 0.9 metres.
3. Nutrients must not be stored on soils that have rapid infiltration rates, namely Hydrological Soil Group AA, as defined by the Drainage Guide for Ontario.

from mapping provided by a municipality or conservation authority having jurisdiction over the area.

5. The site must not have a slope greater than 3 per cent.
6. There must be a flow path that,
 - i. is at least 50 metres to the nearest surface water or tile inlets, and
 - ii. is located at least 0.3 metres above bedrock.

(2) If nutrients are stored in a temporary field nutrient storage site for a period of longer than 24 hours, no person shall locate the site,

- (a) within 45 metres of a drilled well that has a depth of at least six metres and a watertight casing to a depth of at least six metres below ground level;
- (b) within 90 metres of any other well, other than a municipal well;
- (c) within 100 metres of a municipal well;
- (d) within 200 metres of a single residence or within 450 metres of a residential area, if the site is used for storing de-watered municipal sewage biosolids; or
- (e) within 125 metres of a single residence or within 250 metres of a residential area, if the site is used for storing prescribed materials, other than de-watered municipal sewage biosolids.

Management

84. A temporary field nutrient storage site located on a farm unit must be managed in accordance with the following criteria:

1. A farmer who receives nutrients and stores them in the site cannot receive and store a volume of nutrients that is greater than the quantity of nutrients that the farmer plans to use for crop production at the farm unit, based on the nutrient management plan for operations carried out at the farm unit.
2. Non-agricultural source materials stored in the site must be used on the farm unit and cannot be transferred to another farm unit.
3. If more than one type of nutrient is stored in the site, the nutrients must be managed in accordance with the most restrictive requirements applicable to any of the nutrients stored in the site.
4. If the site is located in an area that is tile-drained, there must be a contingency plan in place to deal with contaminated liquid in the tiles.
5. Nutrients must not be stored in the site for longer than the maximum time prescribed for each nutrient.
6. The site may be used again in the following year if a minimum of 75 per cent vegetative cover is re-established on the site following the removal of nutrients from the surface after the site ceases to be in use each year.

Length of storage

85. (1) Subject to subsection (2), no person shall store prescribed materials in a temporary field nutrient storage site for longer than,

- (a) a maximum of 10 days, in the case of de-watered municipal sewage biosolids;
- (b) a maximum of 120 days, in the case of non-agricultural source materials that are covered and that are not municipal sewage biosolids;
- (c) a maximum of 60 days, in the case of non-agricultural source materials that are left uncovered and that are not municipal sewage biosolids;
- (d) the time period determined in accordance with subsection (2), in the case of agricultural source materials.

(2) The maximum number of days for which agricultural source materials may be stored in a temporary field nutrient storage site shall be determined in accordance with the following rules:

1. Determine which management techniques or field conditions set out in Column 1 of the Table to this subsection apply to the site and choose one of them.
2. If the number of days in Column 2 of the Table opposite the management technique or field condition set out in Column 1 that is chosen is positive, add the number to the total number of days for which the site is available for storage.

3. If the number of days in Column 2 of the Table opposite the management technique or field condition set out in Column 1 that is chosen is negative, subtract the number from the total number of days for which the site is available for storage.
4. Only one number for each of items 1 to 10 may be added or subtracted under paragraphs 2 and 3.
5. The number that results from applying the rules set out in paragraphs 1 to 4 is the maximum number of days for which agricultural source materials may be stored in the site but that number cannot exceed 300 days.

TABLE

Item	Column 1		Column 2
	Management Techniques and Field Conditions for Materials Stored in a Temporary Field Nutrient Storage Site		Days
1.	Percentage of dry matter	Nutrients stored in the site have a dry matter content of,	
		(a) 50 per cent or more;	+60
		(b) 30 per cent or more, but less than 50 per cent;	+30
		(c) 18 per cent or more, but less than 30 per cent.	+0
2.	Percentage of nitrogen and percentage of phosphorus	The percentage of total nitrogen combined with the percentage of total phosphorus, both on a wet basis, is,	
		(a) less than 0.8 per cent;	+60
		(b) at least 0.8 per cent, but less than 1.6 per cent;	+30
		(c) 1.6 per cent or more.	+0
3.	Drainage tile and bedrock location	There are no field drainage tiles at any depth of the soil surface or no bedrock within 0.9 metres of the soil surface, located,	+0
		(a) under the site;	
		(b) within 3 metres of the perimeter of the site; or	
		(c) within the first 50 metres of the flow path to surface water.	
		There are field drainage tiles at any depth of the soil surface or bedrock within 0.9 metres of the soil surface, located,	-60
		(a) under the site;	
		(b) within 3 metres of the perimeter of the site; or	
		(c) within the first 50 metres of the flow path to surface water.	
4.	Soil type under the site	The site is situated on soil included in the following hydrological soil groups as defined by the Drainage Guide for Ontario:	
		B, C or D.	+30
		A.	+0
5.	Perimeter of the site	The outer edge of the site, at the ground surface, has a perimeter of,	
		(a) less than 100 metres;	+30
		(b) 100 metres or more.	+0
6.	Covers and tarps	The site is covered with a rain-shedding tarp that,	+120
		(a) has been anchored against wind removal;	
		(b) has been placed on the site on the same day on which the first materials were placed on the site; and	
		(c) remains in place for the entire storage period.	
		The site is not covered with such a rain-shedding tarp.	+0
7.	Distance to surface water	The site has a flow path to the nearest surface water or water inlet for field tile drainage of,	
		(a) 150 metres or more;	+30
		(b) at least 50 metres but less than 150 metres.	+0
8.	Location of the site	The site is situated on the same location, or within 125 metres of the same location,	
		(a) not more often than once every three years;	+60
		(b) more often than once every three years.	+0
9.	Materials removed from the site	The site is not situated on the same location, or within 125 metres of the same location, more often than once every three years and the materials stored on the site are removed from the site and applied to land during the period between August 15 and October 15 in any one year.	+60
		The situation described in the box immediately above does not apply to the site.	+0

	Site	Requirements and Field Conditions for materials stored in a temporary field nutrient storage	Days
10.	Turning of stored materials	The pile of materials stored on the site, (a) has a dry matter content of between 25 and 60 per cent; (b) has a ratio of carbon to nitrogen of between 20:1 and 40:1; and (c) is turned so that every piece of material in the pile is displaced from its former position and mixed or inverted once weekly for the first three weeks, and once monthly after that.	+120
		The situation described in the box immediately above does not apply to the site.	+0

Records

86. The operator shall maintain records for all temporary field nutrient storage sites under the operator's control that include,

- (a) the date on which the site was established;
- (b) the dates on which the site was displaced and mixed or inverted, if applicable;
- (c) the date on which the site was removed; and
- (d) a sketch indicating the location of the site relative to setback distances, surface waters and other temporary field nutrient storage sites.

LIQUID NUTRIENT TRANSFER SYSTEMS

Design and construction

87. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a liquid nutrient transfer system in the course of the operation, other than a floor transfer system defined in section 88, unless,

- (a) the system is constructed and designed in accordance with chapter NSTS-09 of the Construction and Siting Protocol;
- (b) a professional engineer designs the system;
- (c) the construction takes place under the supervision of a professional engineer; and
- (d) a professional engineer inspects the construction upon completion to confirm that it is in accordance with the design.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install pipe connections in a liquid nutrient transfer system used in the course of the operation unless they are installed using specifically designed gasketed fittings, such as tees, saddles, end caps and elbows, that are compatible with the pipe material.

(3) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a liquid nutrient transfer system used in the course of the operation with the pipe entering the permanent liquid nutrient storage facility unless a flexible watertight gasket or membrane has been installed between the pipe and the floor or wall of the storage tank to serve as an anti-seepage collar.

(4) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall install a liquid nutrient transfer system used in the course of the operation where the elevation of the facility is higher than the elevation of the transfer system and where there is an opportunity for backflow to the pump or pump-out chamber unless the transfer system has a primary shut-off valve and secondary shutoff valve.

Floor transfer systems

88. (1) In this section,

"floor transfer system" means a system where a floor is used to transfer liquid manure, but does not include,

- (a) areas within a barn that are designed to house livestock and that are not intended to collect liquid manure,
- (b) areas under dairy free-stalls,
- (c) feed trough areas,
- (d) floors under solid manure pack areas.

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall use a floor to transfer liquid manure in the course of the operation unless the floor is part of a floor transfer system that complies with this section.

(3) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct a floor transfer system used in the course of the operation unless the system complies with this section.

(4) A floor transfer system must have a floor constructed of concrete and must be capable of containing the anticipated volume of liquids that are generated on the farm unit on which the system is located and transferring the liquids directly to a permanent liquid nutrient storage facility.

PART IX SAMPLING, ANALYSIS, QUALITY STANDARDS AND LAND APPLICATION RATES

GENERAL

Definitions

89. In this Part,

“approved design capacity”, in relation to a sewage treatment works, means design capacity as approved for the sewage treatment works pursuant to an approval issued under the *Ontario Water Resources Act*;

“five years” means the period of time consisting of the current year and the previous four years;

“land” means land that is used for an agricultural purpose and excludes residential gardens;

“parameter” means one of the following:

1. Ammonia and ammonium nitrogen.
2. Available phosphorus.
3. Available potassium.
4. *Escherichia coli* (E.coli).
5. Organic nitrogen.
6. Nitrate and nitrite nitrogen.
7. Regulated metal.
8. Soil pH.
9. Total kjeldahl nitrogen.
10. Total phosphorus.
11. Total potassium.
12. Total solids.
13. Volatile solids;

“regulated metal” means a metal listed in Column 1 of Table 1 to this Part.

Sampling, analysis and calculation procedures

90. (1) Each person who is required to have a sample analyzed in relation to a parameter under this Part shall have the person specified in the Sampling and Analysis Protocol do the analysis in accordance with the methods and at the locations specified in the Protocol, unless this Regulation specifies otherwise.

(2) For the purposes of making a calculation under this Part in relation to a sample, a person shall use the actual analytical result obtained by the person who does an analysis of the sample under this Part, unless the person who makes the calculation is authorized to use data in NMN.

(3) If this Part requires an arithmetic average or geometric mean of concentrations to be determined, the most recently determined arithmetic average or geometric mean, as the case may be, shall be used.

AGRICULTURAL SOURCE MATERIAL

Sampling obligations

91. (1) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which agricultural source materials are to be applied to land, that is the first such plan for the operation, shall, as part of preparing the plan,

- (a) collect at least one sample from the soil of the land and have the sample analyzed to determine the concentration of each of the following parameters: available phosphorus, available potassium and soil pH; or

(2) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which agricultural source materials are applied to land, that is not the first such plan for the operation, shall, as part of preparing the plan, collect at least one sample from the soil of the land and have the sample analyzed to determine the concentration of each of the following parameters: available phosphorus, available potassium and soil pH.

(3) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which agricultural source materials are applied to land, shall, as part of preparing the plan,

- (a) collect at least one sample of the materials and have the sample analyzed to determine the concentration of each of the following parameters: total kjeldahl nitrogen, ammonia and ammonium nitrogen, total phosphorus, total potassium and total solids; or
- (b) obtain the default data from NMAN in relation to each parameter listed in clause (a), if the plan is the first such plan for the operation or the number of farm animals on the farm unit to whose land the materials are to be applied is not sufficient to generate 300 nutrient units annually.

Maximum application rate

92. (1) Each person who is required to collect samples and have them analyzed under section 91 shall enter the most recently determined concentration under the applicable subsection into NMAN.

(2) The result that NMAN gives under subsection (1) is the maximum application rate to land for the agricultural source material in the sample.

(3) The person shall enter the rate into the nutrient management plan.

(4) A nutrient management plan does not come into force until the person who is required to comply with section 91 and this section has complied with those sections.

(5) No person shall apply agricultural source materials to land at a rate that exceeds the maximum application rate to land for the materials.

NON-AGRICULTURAL SOURCE MATERIAL

Soil samples

93. (1) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall, as part of preparing the plan, collect at least one sample from the soil of the land and have the sample analyzed to determine the concentration of each of the following parameters: available phosphorus, available potassium, regulated metals and soil pH.

(2) In the case of the analysis for each regulated metal, the analysis must report the concentration of each regulated metal in the sample in milligrams of metal per kilogram of total solids, dry weight.

(3) A nutrient management plan does not come into force until the person who is required to comply with subsections (1) and (2) has complied with those subsections.

Material samples

94. (1) Subject to subsection (2) and the frequency set out in section 95, each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall, before applying the materials to land, subject to,

- (a) collect a sample from each type of material set out in Column 1 of Table 3 to this Part; and
- (b) have the sample analyzed to determine the concentration of each parameter set out opposite it in Column 2.

(2) No person who, under subsection (1), is required to collect samples and to have them analyzed shall apply non-agricultural source materials to land unless the person has collected at least four samples and had them analyzed in accordance with that subsection.

(3) The analysis of the material must report the concentration of each parameter being analyzed in the sample,

- (a) in milligrams of metal per kilogram of total solids, dry weight, in the case of the analysis of regulated metals in sewage biosolids or in materials that are not sewage biosolids and that have a concentration of total solids of 10,000 milligrams per litre or more;
 - (b) in milligrams of metal per litre, in the case of the analysis of regulated metals in materials that are not sewage biosolids and that have a concentration of total solids of less than 10,000 milligrams per litre; and
 - (c) in colony forming units per gram of total solids, dry weight, in the case of the analysis of E.coli.
- (4) After the analysis has been done, the person who had it done shall calculate,

- (a) the arithmetic average of the concentrations of each of the following parameters in the four most recent samples collected at same sampling location: total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen, regulated metals, total phosphorus, total solids and volatile solids; and
- (b) the geometric mean of the concentrations of E.coli in the four most recent samples collected at the same sampling location.

Material sampling frequency

95. (1) Subject to this section, a person who, under subsection 94 (1), is required to collect samples and to have them analyzed shall do so in accordance with the frequency requirements of the approval issued in relation to the material under the *Environmental Protection Act* or the *Ontario Water Resources Act*, as the case may be, and in any event not less often than the frequencies set out in Column 3 of Table 3 to this Part opposite the type of material set out in Column 1.

(2) Subsection (3) applies to a person who has collected 12 or more previous samples from non-agricultural source materials applied to land in the course of an agricultural operation for which there is a nutrient management plan and has analyzed the samples for regulated metals in the frequency set out in Column 3 of Table 3 if the previous 12 samples, or the samples from the previous year if there are more than 12, have a mean concentration plus two standard deviations that are no more than,

- (a) the maximum metal concentration set out in Column 2 of Table 1 to this Part opposite the regulated metal set out in Column 1, if the materials are sewage biosolids;
- (b) the maximum metal concentration set out in Column 2 of Table 2 to this Part opposite the regulated metal set out in Column 1, if the materials are not sewage biosolids.

(3) A person to whom this subsection applies shall collect the samples and have them analyzed for regulated metals, as required by subsection 94 (1), in accordance with the frequencies set out in Column 4 of Table 3 for the type of non-agricultural source material set out opposite it in Column 1.

(4) Subsection (5) applies to a person who has collected 12 or more previous samples from non-agricultural source materials applied to land in the course of an agricultural operation for which there is a nutrient management plan and has analyzed the samples for E.coli in the frequency set out in Column 3 of Table 3 if the previous 12 samples, or the samples from the previous year if there are more than 12, have a running geometric mean of concentration of E.coli, as calculated under clause 94 (4) (b), in all cases that is no more than the maximum concentration of 2×10^6 colony forming units per gram total solids, dry weight.

(5) A person to whom this subsection applies shall collect the samples and have them analyzed for E.coli, as required by subsection 94 (1), in accordance with the frequencies set out in Column 4 of Table 3 for the type of non-agricultural source material set out opposite it in Column 1.

(6) Subsection (7) applies to a person who has collected 12 or more previous samples from non-agricultural source materials applied to land in the course of an agricultural operation for which there is a nutrient management plan and has analyzed the samples for total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen and total phosphorus in the frequency set out in Column 3 of Table 3 if the previous 12 samples, or the samples from the previous year if there are more than 12, have a coefficient of variation of less than 20 per cent.

(7) A person to whom this subsection applies shall collect the samples and have them analyzed for total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen and total phosphorus, as required by subsection 94 (1), in accordance with the frequencies set out in Column 4 of Table 3 for the type of non-agricultural source material set out opposite it in Column 1.

(8) Subject to a Director's order issued under section 29 or 30 of the Act, a person is not required under subsection 94 (1) to collect samples and have them analyzed for nitrate and nitrite nitrogen if the concentration of nitrate and nitrite nitrogen in the material is less than 5 per cent of the total kjeldahl nitrogen.

(9) A Director's order issued under section 29 or 30 of the Act may restore the frequency set out in subsection (1) for collecting samples for nitrate and nitrite nitrogen and having them analyzed.

(10) The frequency set out in Column 4 of Table 3 for collecting samples and having them analyzed is discontinued and the frequency set out in subsection (1) for collecting samples and having them analyzed is immediately restored if,

- (a) in the case of an analysis for regulated metals, the maximum metal concentration in sewage biosolids exceeds that set out in Column 2 of Table 1 opposite the regulated metal set out in Column 1 or the maximum metal concentration in material other than sewage biosolids exceeds that set out in Column 2 of Table 2 opposite the regulated metal set out in Column 1;
- (b) in the case of an analysis for E.coli, the geometric mean of concentration of E.coli, as calculated under clause 94 (4) (b), exceeds the maximum concentration of 2×10^6 colony forming units per gram total solids, dry weight; and

coefficient of variation of 20 per cent or more.

Maximum application rate

96. (1) Subject to subsection (2), each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall, before the materials are applied to land, calculate a maximum application rate to land for the materials by entering into NMAN,

- (a) the most recently determined concentration of available phosphorus, available potassium, regulated metals and soil pH in the soil sample under subsection 93 (1); and
- (b) the most recently determined arithmetic average concentrations of total kjeldahl nitrogen, ammonia and ammonium nitrogen, nitrate and nitrite nitrogen, regulated metals and total phosphorus in the material sample under clause 94 (4) (a).

(2) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials that are sewage biosolids are applied to land, shall ensure that the maximum application rate to land for the materials, in relation to regulated metals in the materials, does not exceed,

- (a) 8 tonnes of the materials, dry weight per hectare of land in five years, if no concentration of a regulated metal in the materials exceeds the maximum metal concentration set out in Column 3 of Table 1 to this Part but a concentration of a regulated metal in the materials exceeds the maximum metal concentration set out in Column 2 of Table 1;
- (b) 22 tonnes of the materials, dry weight per hectare of land in five years, if no concentration of a regulated metal in the materials exceeds the maximum metal concentration set out in Column 2 of Table 1; and
- (c) the maximum permissible metal addition to the soil of the land in five years, as set out in Column 4 of Table 1, in relation to each regulated metal set out in Column 1 opposite the rate.

(3) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials that are not sewage biosolids are applied to land, shall ensure that the maximum application rate to land for the materials, in relation to regulated metals in the materials, does not exceed the maximum permissible metal addition to the soil of the land in five years, as set out in Column 4 of Table 2 to this Part, in relation to each regulated metal set out in Column 1 opposite the rate.

(4) Each person who is required to have a nutrient management plan for an agricultural operation, in the course of which non-agricultural source materials are applied to land, shall enter the maximum application rate determined under subsections (1), (2) and (3) into the nutrient management plan.

(5) No person shall apply non-agricultural source materials to land at a rate that exceeds the maximum application rate for the materials determined under subsections (1), (2) and (3).

Prohibitions on application to land

97. (1) Despite any other provision of this Regulation or a nutrient management plan, no person shall apply non-agricultural source materials to land if,

- (a) the concentration of a regulated metal set out in Column 1 of Table 1 or 2 to this Part in the soil of the land exceeds the maximum metal concentration set out opposite it in Column 5 of the applicable Table, depending on whether the materials are sewage biosolids or not, respectively;
- (b) the most recently determined arithmetic average for a concentration of a regulated metal in the materials, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 3 of Table 1 for the regulated metal, if the materials are sewage biosolids;
- (c) the most recently determined arithmetic average for a concentration of a regulated metal in the materials, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 3 of Table 2 opposite the metal in Column 1, if the materials are not sewage biosolids and if they contain total solids dry weight of 10,000 milligrams per litre of material or more; or
- (d) the most recently determined arithmetic average for a concentration of a regulated metal in the materials, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 2 of Table 2 opposite the metal in Column 1, if the materials are not sewage biosolids and if they contain total solids dry weight of less than 10,000 milligrams per litre of material or more.

(2) Despite any other provision of this Regulation or a nutrient management plan, no person shall apply sewage biosolids to land if the most recently determined geometric mean for a concentration of E.coli in the sewage biosolids, as determined under clause 94 (4) (b), exceeds the maximum concentration of 2×10^6 colony forming units per gram total solids, dry weight.

Prohibition on transfer of sewage biosolids

98. No person shall transfer sewage biosolids to a centralized storage or mixing facility that receives sewage biosolids generated by other generators if,

- (a) the most recently determined arithmetic average for a concentration of a regulated metal in the sewage biosolids, as determined under clause 94 (4) (a), exceeds the maximum metal concentration set out in Column 3 of Table 1 for the regulated metal; or
- (b) the sewage biosolids have not been subjected to a pathogen treatment process option set out in the Nutrient Management Protocol.

TABLE 1
STANDARDS FOR REGULATED METALS IN MATERIALS APPLIED TO LAND THAT ARE SEWAGE BIOSOLIDS

Column 1	Column 2	Column 3	Column 4	Column 5
Regulated Metals	Maximum metal concentration in material to be applied up to 22 tonnes per hectare per five years (mg / Kg of total solids dry weight)	Maximum metal concentration in material to be applied up to 8 tonnes per hectare per five years (mg / Kg of total solids dry weight)	Maximum permissible metal addition to soil receiving non-agricultural materials (Kg / Ha / 5 Years)	Maximum metal concentration in soils receiving non-agricultural materials (mg / Kg of Soil, dry weight)
Arsenic	75	170	1.40	14
Cadmium	20	34	0.27	1.6
Cobalt	150	340	2.70	20
Chromium	1060	2800	23.30	120
Copper	760	1700	13.60	100
Mercury	5	11	0.09	0.5
Molybdenum	20	94	0.80	4
Nickel	180	420	3.56	32
Lead	500	1100	9.00	60
Selenium	14	34	0.27	1.6
Zinc	1850	4200	33.00	220

TABLE 2
STANDARDS FOR REGULATED METALS IN MATERIALS APPLIED TO LAND THAT ARE NOT SEWAGE BIOSOLIDS

Column 1	Column 2	Column 3	Column 4	Column 5
Regulated Metals	Maximum metal concentration in materials that contain total solids of less than 10,000 milligrams per litre of material (mg / L of sample)	Maximum metal concentration in materials that contain total solids of 10,000 milligrams per litre of material or more (mg / Kg of total solid dry weight)	Maximum permissible metal addition to soil receiving non-agricultural materials (Kg / Ha / 5 Years)	Maximum metal concentration in soils receiving non-agricultural materials (mg / Kg of Soil, dry weight)
Arsenic	1.70	170	1.40	14
Cadmium	0.34	34	0.27	1.6
Cobalt	3.4	340	2.70	20
Chromium	28	2800	23.30	120
Copper	17	1700	13.60	100
Mercury	0.11	11	0.09	0.5
Molybdenum	0.94	94	0.80	4
Nickel	4.2	420	3.56	32
Lead	11	1100	9.00	60
Selenium	3.4	34	0.27	1.6
Zinc	42	4200	33.00	220

**PART X
CERTIFICATES AND LICENCES**

CERTIFICATES RELATING TO NUTRIENT MANAGEMENT

Prescribed nutrient managements practices

99. The following are prescribed as management practices for the purposes of this Part:

1. Preparing a nutrient management strategy or nutrient management plan for an agricultural operation, both in cases where this Regulation requires an approval for the strategy or plan and where it does not require an approval for the strategy or plan.
2. Preparing a nutrient management strategy for a non-agricultural operation.
3. Reviewing a nutrient management strategy or nutrient management plan for certification under Part IV.
4. Providing training in a management practice described in paragraph 1, 2 or 3.
5. Acting as a broker.

Agricultural operation strategy or plan development certificate

100. (1) Before September 30, 2004, no person shall prepare a nutrient management strategy or nutrient management plan for an agricultural operation of which the person is not the owner, the operator or an employee unless the person has attended the training course specified by a Director with respect to preparing a nutrient management strategy or plan for an agricultural operation.

(2) On or after September 30, 2004, no person shall prepare a nutrient management strategy or nutrient management plan for an agricultural operation of which the person is not the owner, the operator or an employee, unless the person holds an agricultural operation strategy or plan development certificate issued under this section.

(3) Despite subsection (2), a person may prepare a nutrient management strategy or nutrient management plan solely for the purpose of submitting it to a Director for approval.

(4) A Director shall issue an initial agricultural operation strategy or plan development certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) has completed a course specified by the Director on preparing nutrient management strategies and plans for agricultural operations or has previous formal or non-formal training that the Director considers equivalent;

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies and plans for agricultural operations; and

(d) has had a Director approve at least two nutrient management plans for an agricultural operation and at least one other nutrient management plan or strategy for an agricultural operation.

(5) A Director shall issue a subsequent agricultural operation strategy or plan development certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

(b) holds an initial or subsequent agricultural operation strategy or plan development certificate that a Director has not cancelled; and

(c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies and plans for agricultural operations.

(6) An initial or subsequent agricultural operation strategy or plan development certificate expires on the fifth anniversary of the date on which it is issued.

Agricultural operation planning certificate

101. (1) On or after December 31, 2005, no person who owns or operates an agricultural operation, for which this Regulation requires an approved nutrient management strategy or nutrient management plan, shall prepare a nutrient management strategy or plan for the operation unless the person holds an agricultural operation planning certificate issued under this section or an agricultural operation strategy or plan development certificate issued under section 100.

(2) A Director shall issue an initial agricultural operation planning certificate to an applicant who,

(a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act; and

(b) has successfully completed, within one year of making the application, a course specified by the Director on preparing nutrient management strategies and plans for agricultural operations or has previous formal or non-formal training that the Director considers equivalent.

(3) A Director shall issue a subsequent agricultural operation planning certificate to an applicant who,

- (b) holds an initial or subsequent agricultural operation planning certificate that a Director has not cancelled; and
 - (c) has successfully completed, within one year of making the application, a course specified by the Director on preparing nutrient management strategies and plans for agricultural operations or has alternate qualifications that the Director considers equivalent.
- (4) An initial or subsequent agricultural operation planning certificate expires on the fifth anniversary of the date on which it is issued.

Agricultural operation simplified planning certificate

102. (1) On or after December 31, 2007, no person who owns or operates an agricultural operation, for which this Regulation does not require an approved nutrient management strategy or nutrient management plan, shall prepare a nutrient management strategy or a nutrient management plan for the operation unless,

- (a) the person holds an agricultural operation simplified planning certificate issued under this section, an agricultural operation strategy or plan development certificate issued under section 100 or an agricultural operation planning certificate issued under section 101; or
 - (b) the person is the owner of the operation and has engaged a manager who is responsible for preparing a nutrient management strategy and a nutrient management plan for the operation and who holds an agricultural operation simplified planning certificate issued under this section, an agricultural operation strategy or plan development certificate issued under section 100 or an agricultural operation planning certificate issued under section 101.
- (2) A Director shall issue an agricultural operation simplified planning certificate to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act; and
 - (b) has successfully completed a training course specified by the Director on preparing nutrient management plans and strategies for agricultural operations or has previous formal or non-formal training that the Director considers equivalent.
- (3) An agricultural operation simplified planning certificate does not expire.

Non-agricultural operation strategy development certificate

103. (1) Before September 30, 2004, no person shall prepare a nutrient management strategy for a non-agricultural operation unless the person has attended the training course specified by a Director with respect to preparing a nutrient management strategy for a non-agricultural operation.

(2) On or after September 30, 2004, no person shall prepare a nutrient management strategy for a non-agricultural operation unless the person holds a non-agricultural strategy development certificate issued under this section.

- (3) A Director shall issue an initial non-agricultural operation strategy development certificate to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;
 - (b) has completed a course specified by the Director on preparing nutrient management strategies for non-agricultural operations or has previous formal or non-formal training that the Director considers equivalent; and
 - (c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies for non-agricultural operations.
- (4) A Director shall issue a subsequent non-agricultural operation strategy development certificate to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;
 - (b) holds an initial or subsequent non-agricultural operation strategy development certificate that a Director has not cancelled; and
 - (c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on preparing nutrient management strategies for non-agricultural operations.
- (5) An initial or subsequent non-agricultural operation strategy development certificate expires on the fifth anniversary of the date on which it is issued.

Reviewer certificate

104. (1) On or after December 31, 2005, no person shall review a nutrient management strategy or nutrient management plan for certification under Part IV unless the person holds a reviewer certificate issued under this section.

- (2) A Director shall issue an initial reviewer certificate to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;

- (b) holds an agricultural operation strategy or plan development certificate issued under section 100;
 - (c) has successfully completed a course specified by the Director on reviewing nutrient management strategies and plans or has previous formal or non-formal training that the Director considers equivalent;
 - (d) within one year of making the application, has obtained a passing grade on an examination specified by the Director on reviewing nutrient management strategies and plans for certification under Part IV; and
 - (e) has had no less than ten nutrient management strategies, nutrient management plans, or a combination of plans and strategies approved by a Director.
- (3) A Director shall issue a subsequent reviewer certificate to an applicant who,
 - (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;
 - (b) holds an initial or subsequent reviewer certificate that a Director has not cancelled; and
 - (c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on reviewing nutrient management strategies and plans for certification under Part IV.
 - (4) An initial or subsequent reviewer certificate expires on the fifth anniversary of the date on which it is issued.

Trainer certificate

105. (1) On or after December 31, 2006, no person shall provide training in a nutrient management practice described in paragraph 1, 2 or 3 of section 99 unless the person holds a trainer certificate issued under this section.

(2) Subsection (1) does not apply to employees of the Ministry who are appointed for the purpose of providing training in a nutrient management practice described in paragraph 1, 2 or 3 of section 99.

- (3) A Director shall issue an initial trainer certificate to an applicant who,
 - (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;
 - (b) holds a reviewer certificate issued under section 104;
 - (c) has successfully completed a course specified by the Director on training persons to prepare nutrient management strategies and plans and to review them for certification under Part IV or has previous formal or non-formal training that the Director considers equivalent; and
 - (d) within one year of making the application, has obtained a passing grade on an examination specified by the Director on training persons to prepare nutrient management strategies and plans and to review them for certification under Part IV.
- (4) A Director shall issue a subsequent trainer certificate to an applicant who,
 - (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (c) of the Act;
 - (b) holds an initial or subsequent trainer certificate that a Director has not cancelled; and
 - (c) within one year of making the application, has obtained a passing grade on an examination specified by the Director on training persons to prepare nutrient management strategies and plans and to review them for certification under Part IV.
- (5) An initial or subsequent trainer certificate expires on the fifth anniversary of the date on which it is issued.

Broker certificate

106. (1) On or after December 31, 2005, no person shall act as a broker unless the person holds a broker certificate issued under this section.

- (2) A Director shall issue an initial broker certificate to an applicant who,
 - (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act; and
 - (b) has successfully completed, within one year of making the application, a broker training course specified by the Director or has previous formal or non-formal training that the Director considers equivalent.
- (3) A Director shall issue a subsequent broker certificate to an applicant who,
 - (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act;
 - (b) holds an initial or subsequent broker certificate that a Director has not cancelled; and
 - (c) within one year of making the application, has successfully completed a broker training course specified by the Director.
- (4) An initial or subsequent broker certificate expires on the fifth anniversary of the date on which it is issued.

Prescribed materials application business licence

107. (1) On or after December 31, 2005, no person shall engage in the business of applying prescribed materials to lands unless the person holds a prescribed materials application business licence issued under this section.

- (2) A Director shall issue an initial prescribed materials application business licence to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act; and
 - (b) has successfully completed, within one year of applying for the licence, a training course specified by the Director on the business of applying prescribed materials to lands or has previous formal or non-formal training that the Director considers equivalent.
- (3) A Director shall issue a subsequent prescribed materials application business licence to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act;
 - (b) holds an initial or subsequent prescribed materials application business licence that a Director has not cancelled; and
 - (c) within one year of applying for the licence, has successfully completed a training course specified by the Director on the business of applying prescribed materials to lands.
- (4) An initial or subsequent prescribed materials application business licence expires on the fifth anniversary of the date on which it is issued.

Nutrient application technician licence

108. (1) On or after December 31, 2006, no person shall apply materials containing nutrients to lands in the course of an agricultural operation of which the person is not the owner, operator or an employee unless the person holds a nutrient application technician licence issued under this section.

- (2) A Director shall issue an initial nutrient application technician licence to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act; and
 - (b) has successfully completed, within one year of applying for the licence, a training course specified by the Director on applying materials containing nutrients to lands or has previous formal or non-formal training that the Director considers equivalent.
- (3) A Director shall issue a subsequent nutrient application technician licence to an applicant who,
- (a) pays the fee, if any, established by the Minister responsible for the administration of clause 6 (2) (e) of the Act;
 - (b) holds an initial or subsequent nutrient application technician licence that a Director has not cancelled; and
 - (c) within one year of applying for the licence, has successfully completed a training course specified by the Director on applying materials containing nutrients to lands.
- (4) An initial or subsequent nutrient application technician licence expires on the fifth anniversary of the date on which it is issued.

GENERAL

Cancellation of certificates and licences

- 109.** (1) A Director may, by written notice, amend or cancel a certificate or licence issued under this Part if,
- (a) the holder of the certificate or licence, as the case may be, contravenes the Act or regulations or, in the opinion of the Director, has demonstrated incompetence or bad faith in carrying out the activity with respect to which the certificate or licence is issued; and
 - (b) the Director has given at least 15 days written notice to the holder of the certificate or licence, as the case may be, of the Director's intention to amend or cancel the certificate or licence.
- (2) A notice issued under clause (1) (b) must provide reasons for the Director's intention.
- (3) A notice issued under subsection (1) that amends or cancels a certificate or licence must provide reasons for the amendment or cancellation and set out the procedure for appeals under section 9 of the Act.

PART XI RECORDS

Duty to keep records

110. (1) Every owner or operator of an operation for which this Regulation requires a nutrient management strategy or nutrient management plan shall keep detailed records of the operation, including the following records:

1. Copies of the nutrient management strategy and the nutrient management plan.
2. The record that the Nutrient Management Protocol requires with respect to the implementation of the nutrient management strategy and the nutrient management plan.
3. The site characterization, if any, that Part VIII requires for the farm unit on which the operation is carried out.
4. The annual report of the operation that subsection (2) requires.

(2) Every owner or operator of a non-agricultural operation for which this Regulation requires a nutrient management strategy or nutrient management plan shall prepare an annual report on the operation within 60 days after the end of the operation's financial year that includes the information that the Nutrient Management Protocol requires.

Copy of licences

111. In addition to section 110, a person who holds a certificate or licence under Part X shall keep a copy of it at the location of the person's operation or business.

Form of records

112. A person who is required to keep records under section 110 shall,

- (a) keep them by means of paper copies, mechanical, electronic or other devices;
- (b) take adequate precautions, appropriate to the means used, to guard against the risk of falsification or alteration of the information in the records; and
- (c) provides a means for making the information in the records available in an accurate and intelligible form within a reasonable time to any person lawfully entitled to examine the records.

Location and time for storage

113. (1) A person who is required to keep records under section 110 shall ensure that the records are stored,

- (a) at the location of the operation, unless it is not practical to do so; or
- (b) at a location that is accessible to the operator of the operation on a 24-hour a day basis, if it is not practical to store the records at the location of the operation.

(2) The person shall ensure that the records are kept in storage for a period of at least two years from the day on which the nutrient management strategy or the nutrient management plan ceases to be in force.

Identification numbers for nutrient management strategies and plans

114. (1) If it is necessary, for the purposes of this Regulation, to distinguish between two or more nutrient management strategies or plans, a Director shall assign each of them a unique identification number and advise the person by or for whom the nutrient management strategy or plan was prepared of the identification number.

(2) If a nutrient management strategy or plan that deals with nutrients provides for the use of another nutrient management strategy or plan for the use or disposal of some or all of the nutrients, the person by or for whom each nutrient management strategy or plan was prepared shall give notice of its identification number assigned under subsection (1) to the person by or for whom the other nutrient management strategy or plan was prepared and the person receiving the notice shall keep a record of the number.

PART XII LOCAL ADVISORY COMMITTEES

Definitions

115. In this Part,

"committee" means a local advisory committee.

Establishment of committees

116. (1) A council of a municipality may, by by-law, establish a committee to address nutrient management issues in the municipality.

(2) The council shall appoint the members of the committee who shall consist of not fewer than five persons.

(3) The members of the committee shall be residents of the municipality and the council shall ensure that they have knowledge of nutrient management practices.

(4) A majority of the members of the committee shall be persons who are farmers or who represent an agricultural operation located in the municipality.

(5) At least one member of the committee shall be a person who is not a farmer or a representative of an agricultural operation.

Operation of committees

117. (1) The council of the municipality that establishes a committee shall appoint a chair and one or more vice-chairs from among the members of the committee.

(2) The committee shall adopt rules of procedure to facilitate its activities and the rules must be consistent with the Local Advisory Committee Protocol.

(3) The members of the committee shall follow the rules of procedure that apply to the activities of the committee.

Mediation

118. (1) A member of a committee may mediate disputes in connection with the following matters that involve the management of materials containing nutrients on lands if the council of the municipality that established the committee is satisfied that the member has knowledge of mediation practices:

1. Matters that a resident of the municipality reports to the municipality and that do not amount to a contravention of the Act, the *Environmental Protection Act*, the *Ontario Water Resources Act* or the *Safe Drinking Water Act, 2002*.
2. Matters that are reported to the Minister of Agriculture and Food or the Minister of the Environment and that either of those Ministers refers to the committee.

(2) The Minister of Agriculture and Food and the Minister of the Environment may delegate, to persons whom they authorize, their power under paragraph 2 of subsection (1) to refer matters to a committee.

(3) The Minister of Agriculture and Food, the Minister of the Environment and their authorized delegates may use their statutory discretion when referring matters to a committee.

(4) If a member of a committee who is assigned to mediate a matter in dispute under this section has, either on his or her own behalf or while acting for, by, with or through another, has a pecuniary interest in the matter, whether direct or indirect as described in section 2 of the *Municipal Conflict of Interest Act*, the member,

- (a) shall, before beginning to mediate the dispute, disclose to all parties the interest and the general nature of it; and
- (b) shall not proceed to mediate any question in respect of the matter unless all parties agree to having the mediation proceed.

(5) If a Director or a provincial officer advises a member of a committee who is mediating a matter in dispute under this section that the matter involves a contravention of the Act, the *Environmental Protection Act*, the *Ontario Water Resources Act* or the *Safe Drinking Water Act, 2002*, the member shall suspend the mediation until the alleged contraventions have been dealt with in accordance with the applicable legislation.

(6) Subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable legislation, a member of a committee who conducts a mediation under this section shall do so on a confidential basis.

(7) A member of a committee who acts as a mediator of a dispute under this section shall not provide advice that might be regarded as legal advice to any of the parties to the dispute or their representatives.

(8) The outcome of a mediation of a dispute under this section does not relieve any of the parties to the dispute of the responsibility to comply with the requirements of any Act that governs the management of materials containing nutrients.

Education

119. A committee or its members may engage in activities designed to educate people about matters related to the management of materials containing nutrients and for that purpose may consult with representatives of the Ministry of Agriculture and Food and the Ministry of the Environment regarding the presentation and content of educational seminars.

Consultation

120. (1) In carrying out its powers or duties, subject to subsection (2), a committee or its members may consult with representatives of the municipality that established the committee with respect to issues related to the management of materials containing nutrients, including site plan or building permit issues.

(2) A committee or its members shall not participate in any way in evaluating, approving or endorsing nutrient management strategies or nutrient management plans.

Reports to clerk of municipality

121. The by-law of the municipality that establishes a committee may require the chair of the committee to provide reports about the committee's activities to the clerk of the municipality at the times that the by-law specifies.

**PART XIII
COMMENCEMENT**

Commencement

122. This Regulation comes into force on September 30, 2003.

29/03

ONTARIO REGULATION 268/03
made under the
SAFE DRINKING WATER ACT, 2002

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 169/03
(Ontario Drinking-Water Quality Standards)

Note: Ontario Regulation 169/03 has not previously been amended.

1. (1) Item 33 of Schedule 2 to Ontario Regulation 169/03 is revoked and the following substituted:

33.	2,4-Dichlorophenol	0.9
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(2) Item 57 of Schedule 2 to the Regulation is revoked and the following substituted:

57.	N-Nitrosodimethylamine (NDMA)	0.000009
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29/03

ONTARIO REGULATION 269/03
made under the
SAFE DRINKING WATER ACT, 2002

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 170/03
(Drinking-Water Systems)

Note: Ontario Regulation 170/03 has previously been amended by Ontario Regulation 249/03.

1. The definition of “point of entry treatment unit” in subsection 1 (1) of Ontario Regulation 170/03 is revoked and the following substituted:

“point of entry treatment unit” means equipment that,

- (a) is designed to provide primary disinfection,
- (b) is installed in a drinking-water system at or near where water from the system enters a building or other structure, and
- (c) is connected to the plumbing associated with the building or other structure;

2. (1) Subsection 5 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(c) a large municipal residential system or small municipal residential system obtains all of its water from a large municipal residential system or small municipal residential system to which this Regulation applies that provides secondary disinfection in accordance with section 1-5 of Schedule 1, Schedules 1, 7, 10, 11 and 13 do not apply to the system that obtains the water, except for the following provisions:

(2) Section 5 of the Regulation is amended by adding the following subsection:

(4) This Regulation, except sections 8.1 and 9 and subsections 11 (2.1), (8) and (9), does not apply to a drinking-water system that obtains all of its water from another drinking-water system if,

- (a) pursuant to subsection (1), (2) or (3), the drinking-water system that obtains the water is exempt from provisions of this Regulation; and
- (b) the owner of the drinking-water system from which the water is obtained has agreed in writing,
 - (i) to ensure that the treatment equipment that provides secondary disinfection in accordance with section 1-5 of Schedule 1 or 2-5 of Schedule 2 is operated so that, at all times and at all locations within the distribution system of the system that obtains the water,
 - (A) the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system from which the water is obtained provides chlorination and does not provide chloramination, or
 - (B) the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system from which the water is obtained provides chloramination, and
 - (ii) to sample and test the water in the distribution system of the system that obtains the water as if it were part of the distribution system of the system from which the water is obtained.

3. (1) Subsection 6 (1) of the Regulation is amended by striking out “except subsection 9 (1)” in the portion before clause (a) and substituting “except section 8.1 and subsections 9 (1) and 11 (2.1), (8) and (9)”.

(2) Clause 6 (1) (c) of the Regulation is revoked and the following substituted:

- (c) the owner of the drinking-water system from which the water is obtained has agreed in writing,
 - (i) to ensure that the treatment equipment that provides the secondary disinfection referred to in clause (b) is operated so that, at all times and at all locations within the distribution system of the system that obtains the water,
 - (A) the free chlorine residual is never less than 0.05 milligrams per litre, if the drinking-water system from which the water is obtained provides chlorination and does not provide chloramination, or
 - (B) the combined chlorine residual is never less than 0.25 milligrams per litre, if the drinking-water system from which the water is obtained provides chloramination, and
 - (ii) to sample and test the water in the distribution system of the system that obtains the water as if it were part of the distribution system of the system from which the water is obtained.

4. Section 7 of the Regulation is amended by adding the following subsections:

(3) Subsection (2) does not apply to a drinking-water system on days on which all designated facilities and all public facilities served by the system are not open.

(4) Subsection (2) does not apply to a drinking-water system if the system provides disinfection equipment for primary disinfection that does not use chlorination or chloramination and the disinfection equipment is operated in accordance with the following standards:

1. The disinfection equipment has a feature that causes an alarm to sound in the following locations if the disinfection equipment malfunctions, loses power or ceases to provide the appropriate level of disinfection:
 - i. The building or structure where the disinfection equipment is installed.
 - ii. A location where a person is present, if a person is not always present at the location described in subparagraph i.
 - iii. Every designated facility served by the drinking-water system.
2. If an alarm sounds under paragraph 1, a person who is at the building or structure where the disinfection equipment is installed must take appropriate action or a person must promptly be dispatched to that location to take appropriate action.
3. A person who is dispatched under paragraph 2 must arrive at the building or structure where the disinfection equipment is installed as soon as possible.

5. Section 8.1 of the Regulation is amended by adding the following subsections:

(3) Section 12 of the Act does not apply to a non-municipal year-round residential system if,

- (a) pursuant to subsection 5 (2) of this Regulation, provisions of this Regulation do not apply to the system; and
- (b) the system does not rechlorinate the water it obtains.

(4) Section 12 of the Act does not apply to a non-municipal year-round residential system if, pursuant to subsection 5 (4) of this Regulation, provisions of this Regulation do not apply to the system.

(5) Section 12 of the Act does not apply to a large non-municipal non-residential system if, pursuant to section 6 or 7 of this Regulation, provisions of this Regulation do not apply to the system.

6. (1) Section 11 of the Regulation is amended by adding the following subsection:

(2.1) If a drinking-water system is connected to and receives all of its drinking water from another drinking-water system, the owner of the system from which the water is obtained shall ensure that, at the same time that the annual report for the system is given to the Director, a copy of the report is given to the owner of the system that obtains the water.

(2) Subsections 11 (7), (8) and (9) of the Regulation are revoked and the following substituted:

(7) The owner of a drinking-water system shall ensure that a copy of an annual report for the system is given, without charge, to every person who requests a copy.

(8) If a drinking-water system is connected to and receives all of its drinking water from another drinking-water system, the owner of the system that obtains the water shall ensure that a copy of an annual report for the system from which the water is obtained is given, without charge, to every person who requests a copy.

(9) Subsections (7) and (8) do not apply to an annual report that is more than two years old.

(9.1) Every time that an annual report is prepared for a drinking-water system, the owner of the system shall ensure that effective steps are taken to advise users of water from the system that copies of the report are available, without charge, and of how a copy may be obtained.

7. Section 2-2 of Schedule 2 to the Regulation is amended by adding the following subsection:

(3) Subsection (2) does not apply during a period of 60 or more consecutive days when,

- (a) the drinking-water system is not in operation; or
- (b) the drinking-water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

8. (1) Paragraph 1 of section 3-2 of Schedule 3 to the Regulation is amended by striking out the portion before subparagraph i and substituting the following:

1. A point of entry treatment unit belonging to the owner of the drinking-water system is connected to the plumbing of every building and other structure served by the system, other than buildings and other structures to which water is supplied exclusively for,

(2) Paragraph 3 of section 3-2 of Schedule 3 to the Regulation is revoked and the following substituted:

3. The owner of the drinking-water system has access at all times to shut-off valves that enable the owner to shut off the supply of water to the plumbing to which point of entry treatment units are connected.

9. The Table to section 6-5 of Schedule 6 to the Regulation is revoked and the following substituted:

TABLE

Item	Parameter	Minimum Testing and Recording Frequency	Maximum Alarm Standard	Minimum Alarm Standard
1.	Free chlorine residual required to achieve primary disinfection	5 minutes	Not applicable	0.1 milligrams per litre less than the concentration of free chlorine residual that is required to achieve primary disinfection
2.	Free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual required to achieve primary disinfection	5 minutes	Not applicable	0.1 milligrams per litre less than the concentration of combined chlorine residual that is required to achieve primary disinfection

Item	Parameter	Minimum Testing and Recording Frequency	Maximum Alarm Standard	Minimum Alarm Standard
3.	Free chlorine residual in a distribution sample	1 hour	Not applicable	0.05 milligrams per litre
4.	Free chlorine residual and total chlorine residual measured for the purpose of determining combined chlorine residual in a distribution sample	1 hour	Not applicable	0.25 milligrams per litre
5.	Turbidity	15 minutes	1.0 Nephelometric Turbidity Units (NTU)	Not applicable

10. Subsection 9-6 (2) of Schedule 9 to the Regulation is revoked and the following substituted:

(2) Sections 9-2 to 9-4 do not apply to a non-municipal seasonal residential system during a period of 60 or more consecutive days when,

- (a) the system is not in operation; or
- (b) the system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

11. Section 11-4 of Schedule 11 to the Regulation is revoked and the following substituted:

Seven-day shutdowns, etc.

11-4. (1) Sampling and testing is not required under sections 11-2 and 11-3 during a period of seven or more consecutive days when,

- (a) the drinking-water system is not in operation; or
- (b) the drinking-water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

(2) If, pursuant to subsection (1), sampling and testing is not required during a period of seven or more consecutive days, the owner of the system and the operating authority for the system shall ensure that no drinking water is supplied to a user of water after that period until samples have been taken and tested under sections 11-2 and 11-3 and the results of the tests have been received by the owner and the operating authority.

12. Section 12-4 of Schedule 12 to the Regulation is revoked and the following substituted:

Seven-day shutdowns, etc.

12-4. (1) Sampling and testing is not required under sections 12-2 and 12-3 during a period of seven or more consecutive days when,

- (a) the drinking-water system is not in operation; or
- (b) the drinking-water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

(2) If, pursuant to subsection (1), sampling and testing is not required during a period of seven or more consecutive days, the owner of the system and the operating authority for the system shall ensure that no drinking water is supplied to a user of water after that period until samples have been taken and tested under sections 12-2 and 12-3 and the results of the tests have been received by the owner and the operating authority.

13. Section 13-11 of Schedule 13 to the Regulation is revoked and the following substituted:

60-day shutdowns, etc.

13-11. Sampling and testing is not required under sections 13-5, 13-6 and 13-7 during a period of 60 or more consecutive days when,

- (a) the drinking-water system is not in operation; or
- (b) the drinking-water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

14. Section 14-9 of Schedule 14 to the Regulation is revoked and the following substituted:

60-day shutdowns, etc.

14-9. Sampling and testing is not required under sections 14-4 and 14-5 during a period of 60 or more consecutive days when,

- (a) the drinking-water system is not in operation; or
- (b) the drinking-water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

15. Subsection 15-4 (2) of Schedule 15 to the Regulation is revoked and the following substituted:

(2) Sampling and testing is not required under subsection (1) during a period of 60 or more consecutive days when,

- (a) the drinking-water system is not in operation; or
- (b) the drinking-water system supplies water only to private residences that are occupied by the owner of the system, members of the family of the owner of the system, employees or agents of the owner of the system, or members of the families of employees or agents of the owner of the system.

16. (1) Clause 16-2 (c) of Schedule 16 to the Regulation is amended by striking out “by or pursuant to” and substituting “pursuant to”.

(2) Clause 16-2 (d) of Schedule 16 to the Regulation is amended by striking out “by or pursuant to” and substituting “pursuant to”.

(3) Clause 16-2 (e) of Schedule 16 to the Regulation is amended by striking out “by or pursuant to” and substituting “pursuant to”.

29/03

ONTARIO REGULATION 270/03
made under the
SAFE DRINKING WATER ACT, 2002

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 171/03
(Definitions of Words and Expressions Used in the Act)

Note: Ontario Regulation 171/03 has not previously been amended.

1. Section 3 of Ontario Regulation 171/03 is revoked and the following substituted:

Other definitions

3. In the Act,

“equipment installed in plumbing to treat water” does not include a plumbing appliance within the meaning of Ontario Regulation 403/97 (Building Code);

“treatment equipment installed in plumbing” does not include a plumbing appliance within the meaning of Ontario Regulation 403/97 (Building Code).

29/03

made under the
ONTARIO WATER RESOURCES ACT

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 435/93
(Water Works and Sewage Works)

Note: Since the end of 2002, Ontario Regulation 435/93 has been amended by Ontario Regulation 177/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Ontario Regulation 435/93 is amended by adding the following definitions:

“large municipal non-residential system” has the same meaning as in Ontario Regulation 170/03 (Drinking-Water Systems);

“large municipal residential system” has the same meaning as in Ontario Regulation 170/03;

“large non-municipal non-residential system” has the same meaning as in Ontario Regulation 170/03;

“non-municipal year-round residential system” has the same meaning as in Ontario Regulation 170/03;

“small municipal residential system” has the same meaning as in Ontario Regulation 170/03;

2. Clause 2 (1) (a.1) of the Regulation is amended by striking out the portion after subclause (v).

3. Section 4 of the Regulation is amended by adding the following subsection:

(2.1) Despite paragraphs 1 and 2 of subsection (2), if the facility is a large municipal non-residential system, a non-municipal year-round residential system or a large non-municipal non-residential system and the owner of the facility is not required to comply with sections 2-2 to 2-6 of Schedule 2 to Ontario Regulation 170/03 (Drinking-Water Systems) until after June 1, 2003, the application under subsection (1) shall be filed at least 30 days before the equipment required to ensure compliance with that Schedule commences operation.

4. The Regulation is amended by adding the following section:

21. If a facility is a large municipal non-residential system, a non-municipal year-round residential system or a large non-municipal non-residential system and the owner of the facility is not required to comply with sections 2-2 to 2-6 of Schedule 2 to Ontario Regulation 170/03 (Drinking-Water Systems) until after June 1, 2003, sections 13 to 20 do not apply to the facility until the equipment required to ensure compliance with that Schedule commences operation.

29/03

ONTARIO REGULATION 272/03
made under the
ONTARIO WATER RESOURCES ACT

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 525/98
(Approval Exemptions)

Note: Ontario Regulation 525/98 has previously been amended by Ontario Regulation 174/03.

1. Ontario Regulation 525/98 is amended by adding the following section:

3.1 Subsections 53 (1) and (3) of the Act do not apply to a sewage works that is part of a large municipal residential system or a small municipal residential system, as those systems are defined in Ontario Regulation 170/03 (Drinking-Water Systems) made under the *Safe Drinking Water Act, 2002*.

29/03

ONTARIO REGULATION 273/03
made under the
ENVIRONMENTAL PROTECTION ACT

Made: June 25, 2003
Filed: June 30, 2003

Amending O. Reg. 524/98
(Certificate of Approval Exemptions — Air)

Note: Ontario Regulation 524/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Subsection 1 (1) of Ontario Regulation 524/98 is amended by adding the following paragraph:

21. Any equipment, apparatus, mechanism or thing that is part of a large municipal residential system or a small municipal residential system, as those systems are defined in Ontario Regulation 170/03 (Drinking-Water Systems) made under the *Safe Drinking Water Act, 2002*.

29/03

ONTARIO REGULATION 274/03
made under the
ENVIRONMENTAL PROTECTION ACT

Made: June 25, 2003
Filed: June 30, 2003

EXEMPTION — MOBILE ELECTRICITY GENERATORS

Exemption

1. (1) The Act does not apply to the mobile electricity generators referred to in subsection (2) in respect of any requirement or prohibition that relates to the discharge of sound.

(2) Subsection (1) applies to mobile electricity generators arranged for by the Ontario Electricity Financial Corporation for the provision of up to 410 megawatts of short-term temporary electricity capacity to meet peak demand, as described in the order made under section 3.2 of the *Environmental Assessment Act* and approved by Order in Council 1267/2003.

Revocation

- 2. This Regulation is revoked on December 31, 2003.**

29/03

made under the
INSURANCE ACT

Made: June 25, 2003
Filed: July 2, 2003

Amending Reg. 664 of R.R.O. 1990
(Automobile Insurance)

Note: Regulation 664 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 1 of Regulation 664 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

“fleet” means a group of not less than five automobiles,

- (a) that are under common ownership or management,
- (b) of which at least five are commercial vehicles, public vehicles or vehicles used for business purposes, and
- (c) of which any that are subject to a lease agreement for a period in excess of 30 days are leased to the same insured person;

2. Section 4 of the Regulation is revoked and the following substituted:

4. Insurers are exempt from the requirements of section 236 of the Act with respect to every contract of automobile insurance that insures a fleet.

3. (1) Clauses 9.1 (10) (a) and (b) of the Regulation are revoked and the following substituted:

- (a) the restriction is contained in a settlement;
- (b) the settlement is entered into on or after the first anniversary of the day of the accident that gave rise to the claim; and
- (c) the insurer complied with subsections (2) and (3).

(2) Section 9.1 of the Regulation is amended by adding the following subsections:

(11) Despite clause (10) (b), a restriction contained in a settlement entered into before the first anniversary of the day of the accident that gave rise to the claim is not void under subsection 279 (2) of the Act if, in respect of the claim,

- (a) the insured person brought a proceeding in a court of competent jurisdiction under clause 281 (1) (a) of the Act and examinations for discovery have commenced;
- (b) the insured person referred the issues in dispute to an arbitrator under clause 281 (1) (b) of the Act and a pre-hearing conference has been completed; or
- (c) the insurer and the insured agreed under clause 281 (1) (c) of the Act to submit the issues in dispute for arbitration in accordance with the *Arbitration Act, 1991* and an arbitration agreement under that Act has been entered into.

(12) Clause (10) (b) and subsection (11) apply to claims that have not settled before October 1, 2003, unless a disclosure notice under subsection (2) in respect of the settlement or purported settlement was given to the insured person before that date.

4. Subsection 12 (2) of the Regulation is revoked and the following substituted:

(2) An arbitrator shall, under subsection 282 (11) of the Act, consider only the following criteria for the purposes of awarding all or part of the expenses incurred in respect of an arbitration proceeding:

- 1. Each party's degree of success in the outcome of the proceeding.
- 2. Any written offers to settle made in accordance with subsection (3).
- 3. Whether novel issues are raised in the proceeding.
- 4. The conduct of a party or a party's representative that tended to prolong, obstruct or hinder the proceeding, including a failure to comply with undertakings and orders.
- 5. Whether any aspect of the proceeding was improper, vexatious or unnecessary.

(3) Upon the request of the insurer or the insured person, the arbitrator shall, for the purposes of awarding expenses, take into account all written offers to settle, if any,

- (a) that were made after the conclusion of mediation and before the conclusion of the arbitration; and
- (b) that were made in accordance with the rules of practice and procedure applicable to the proceeding.

(4) If the arbitrator is requested to take into account a written offer under subsection (3), the arbitrator shall have regard to the terms of the offer, the timing of the offer, the response to the offer and the result of the proceeding.

5. The Regulation is amended by adding the following section:

13. Despite section 9.1 of the *Statutory Powers Procedure Act*, an arbitrator or, in the case of appeals or applications for variation or revocation, the Director of Arbitrations does not require the consent of the parties,

- (a) to combine two or more proceedings or any part of them; or
- (b) to hear two or more proceedings at the same time.

6. Subsection 15 (3) of the Regulation is revoked and the following substituted:

(3) Despite subsections (1) and (2), sections 410 to 417 of the Act do not apply to any contract of automobile insurance that insures a fleet.

7. Subsections 16 (5), (6), (7), (8), (9) and (10) of the Regulation are revoked and the following substituted:

(5) Membership in an organized group shall not be used as an element of a risk classification system unless the group consists of no fewer than 100 members other than associate members of the group, a group marketing plan has been entered into that meets the requirements of section 17 and the group is,

- (a) a trade union, a professional or occupational association or an alumni association;
- (b) a non-profit entity that has been in existence for at least 24 months;
- (c) a group of employees of the same employer; or
- (d) a group of members of a credit union that satisfies the requirements of subsection (7).

(6) An organization formed primarily for the purpose of purchasing or providing goods or services does not constitute a non-profit entity for the purposes of clause (5) (b).

(7) A group of members of a credit union constitute an organized group for the purposes of clause (5) (d) if the following rules are satisfied:

1. The bond of association in respect of the credit union for the purposes of subsection 30 (1) of the *Credit Unions and Caisses Populaires Act, 1994* is a common bond of occupation or association referred to in clause 30 (2) (a) of that Act.
2. The members of the credit union who belong to the group are,
 - i. employees of the same employer,
 - ii. members of the same trade union, or
 - iii. members of the same professional or occupational association.
3. The group of members does not include any person admitted to the credit union who does not come within the common bond of association described in paragraph 1, unless the person is an associate member of the group under subsection (8), (9) or (10).

(8) Despite paragraph 2 of subsection (7), the following persons may be included in an organized group described in clause (5) (d) in respect of a particular credit union, but only as associate members of the group:

1. Employees of the credit union.
2. Retired employees of the credit union who receive or are entitled to receive retirement benefits from the credit union.

(9) Retired employees of the same employer who receive or are entitled to receive retirement benefits from the employer may be included in a group referred to in clause (5) (c) or subparagraph 2 i of subsection (7), but only as associate members of the group.

(10) Each of the following persons may be included in a group referred to in clause (5) (a), (b), (c) or (d), but only as an associate member of the group:

1. A person who is the spouse or same-sex partner of a member or associate member of the group.
2. A person under 25 years of age who is a child of a member or associate member of the group or of the spouse or same-sex partner of a member or associate member of the group and,

ii. attends an educational institution on a full-time basis.

3. A person who is the spouse or same-sex partner of a child described in paragraph 2.

(11) A risk classification system shall not include an element that results in the exclusion of a member or associate member of an organized group referred to in subsection (5) for the purposes of risk classification if,

- (a) the insurance is sold under a group marketing plan within the meaning of section 17; and
- (b) coverage is for a private passenger vehicle within the meaning of the Plan of Operation established by the Facility Association under subsection 7 (3) of the *Compulsory Automobile Insurance Act*.

(12) No element of a risk classification system shall result in a change in the classification of an insured before the next renewal date of the insured's policy because,

- (a) a group marketing plan within the meaning of section 17 terminates; or
- (b) the insured ceases to be a member or associate member of an organized group referred to in subsection (5).

(13) Subject to subsection (12), no element of a risk classification system that uses membership in an organized group referred to in subsection (5) shall apply to an insured who ceases to be a member or associate member of the group.

(14) An organized group that met the requirements of this section and section 17 as they read on September 30, 2003 shall be deemed to meet the requirements of this section and section 17 after that day if,

- (a) membership in the group was an element of a risk classification system before October 1, 2003; and
- (b) a group marketing plan has been entered into that meets the requirements of section 17.

(15) In this section,

“credit union” means a credit union as defined in section 1 of the *Credit Unions and Caisses Populaires Act, 1994*;

“same-sex partner” has the same meaning as in Part VI of the Act;

“spouse” has the same meaning as in Part VI of the Act.

8. (1) Subsection 17 (1) of the Regulation is revoked and the following substituted:

(1) In this section,

“group marketing plan” means an arrangement made in writing between an insurer and a sponsor to market automobile insurance to members of an organized group referred to in subsection 16 (5);

“sponsor” means a person who is authorized to enter into a group marketing plan on behalf of an organized group referred to in subsection 16 (5).

(1.1) A group marketing plan shall include the details of the arrangement, including,

- (a) the name of the insurer and the name of the sponsor or sponsors and their respective responsibilities;
- (b) the name of the broker or agent;
- (c) the effective date of the group marketing plan;
- (d) information with respect to fees;
- (e) whether or not the group marketing plan is made to the exclusion of another group marketing plan with respect to the group; and
- (f) the procedure for terminating the group marketing plan.

(2) Subsection 17 (3) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(3) An insurer, agent or broker who sells automobile insurance under a group marketing plan shall not accept an application from a person for insurance coverage unless, not later than 30 days after accepting the application, the insurer, agent or broker makes full and fair disclosure in writing to the person of all features of the group marketing plan and the insurance coverage, including,

(3) Clause 17 (3) (b) of the Regulation is revoked and the following substituted:

- (b) the financial interests of the sponsor in the group marketing plan.

(4) Section 17 of the Regulation is amended by adding the following subsection:

(3.1) For the purposes of clause (3) (b), the financial interests of the sponsor include any lump sum payment, percentage of premium or other payment received by the sponsor from the insurer as a result of a person purchasing automobile insurance coverage through the plan.

9. The Regulation is amended by adding the following sections:

PUBLIC ADJUSTERS — STATUTORY ACCIDENT BENEFITS (SECTION 398 OF THE ACT)

18. A person is exempt from subsection 398 (1) of the Act in respect of a claim for benefits under the Statutory Accident Benefits Schedule if,

- (a) the person,
 - (i) obtains and continues to maintain errors and omissions liability insurance acceptable to the Superintendent in an amount of not less than \$1 million in respect of any one occurrence,
 - (ii) does not provide services in respect of a claim by another person whom the person knows or ought reasonably to know has sustained a catastrophic impairment as that term is defined in the Statutory Accident Benefits Schedule, and
 - (iii) files with the Superintendent such information as the Superintendent requires; or
- (b) the person is an employee of a barrister and solicitor or a firm of barristers and solicitors and, in respect of any claim for benefits under the Statutory Accident Benefits Schedule, acts only under the direct supervision and direction of a barrister and solicitor who,
 - (i) is a member in good standing of the Law Society of Upper Canada,
 - (ii) carries such professional liability insurance as the Law Society of Upper Canada requires, and
 - (iii) is retained in respect of the claim or is a member of a firm that is retained in respect of the claim.

REPRESENTATION — DISPUTE RESOLUTION PROCEEDINGS (284.1 OF THE ACT)

19. (1) A person may, for compensation, represent a party to a proceeding under sections 279 to 284 of the Act if,

- (a) the person meets the requirements in section 18; or
- (b) the party to the proceeding whom the person represents is an insurer.

(2) For the purposes of subsection (1), a person shall be considered to be representing a party for compensation if the person receives or is entitled to receive, directly or indirectly from any source, a financial benefit in connection with the representation of the party, whether the financial benefit is wages, fees or another form of consideration or remuneration.

10. (1) Subject to subsection (2), this Regulation comes into force on the later of October 1, 2003 and the day it is filed.

(2) Section 9 comes into force on the later of November 1, 2003 and the day this Regulation is filed.

29/03

ONTARIO REGULATION 276/03

made under the

INSURANCE ACT

Made: June 25, 2003
Filed: July 2, 2003

Amending Reg. 676 of R.R.O. 1990
(Uninsured Automobile Coverage)

Note: Regulation 676 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Clause 2 (1) (b) of the Schedule to Regulation 676 of the Revised Regulations of Ontario, 1990 is revoked.

29/03

ONTARIO REGULATION 777/03

made under the

INSURANCE ACT

Made: June 25, 2003

Filed: July 2, 2003

Amending O. Reg. 777/93

(Statutory Conditions — Automobile Insurance)

Note: Ontario Regulation 777/93 has not previously been amended.

1. Section 1 of Ontario Regulation 777/93 is amended by adding the following subsection:

(3) The following provisions of the Schedule as they read on the day this subsection comes into force apply to every contract of automobile insurance that is in effect on that day or that comes into effect after that day:

1. Subconditions (6), (6.1) and (6.2) of statutory condition 6.
2. Statutory condition 7.
3. Subconditions (1) and (2.1) of statutory condition 9.
4. Statutory condition 10.1.

2. (1) Subcondition (6) of statutory condition 6 in the Schedule to the Regulation is revoked and the following substituted:

Repairing, rebuilding or replacing property damaged or lost

(6) The insurer may repair, rebuild or replace the property that is damaged or lost, instead of making the payment referred to in statutory condition 9, if the insurer gives written notice of its intention to do so within seven days after receipt of the proof of loss.

Time for repairs

- (6.1) The insurer shall carry out the repair, rebuilding or replacement referred to in subcondition (6),
- (a) within a reasonable period of time after giving the notice required under subcondition (6), if an appraisal referred to in subcondition (2.1) of statutory condition 9 is not carried out in respect of the claim; or
 - (b) within a reasonable period of time after the insurer receives the appraisers' determination of the matters in disagreement, if an appraisal referred to in subcondition (2.1) of statutory condition 9 is carried out in respect of the claim.

New or aftermarket parts

(6.2) For the purposes of subcondition (6), the insurer may repair, rebuild or replace the property with new parts provided by the original equipment manufacturer or with non-original or rebuilt parts of like kind and quality to the property that was damaged or lost.

(2) Statutory condition 7 in the Schedule to the Regulation is amended by striking out "statutory conditions 5 and 6" and substituting "subcondition (1) of statutory condition 5 and subcondition (1) of statutory condition 6".

(3) Subcondition (1) of statutory condition 9 in the Schedule to the Regulation is revoked and the following substituted:

Time and manner of payment of insurance money

(1) If the insurer has not chosen to repair, rebuild or replace the property that is damaged or lost, the insurer shall pay the insurance money for which it is liable under the contract,

- (a) within 60 days after the insurer receives the proof of loss, if no appraisal referred to in subcondition (2.1) is carried out in respect of the claim; or
 - (b) within 15 days after the insurer receives the appraisers' determination of the matters in disagreement, if an appraisal referred to in subcondition (2.1) is carried out in respect of the claim.
- (4) **Statutory condition 9 in the Schedule to the Regulation is amended by adding the following subcondition:**

Resolution of disagreement by appraisal under s. 128 of the Act

(2.1) Section 128 of the Act applies to this contract if,

- (a) the insurer has received a proof of loss from the insured in respect of property that is lost or damaged;
- (b) the insured and the insurer disagree on,
 - (i) the nature and extent of repairs, rebuilding and replacements required or their adequacy, or
 - (ii) the amount payable in respect of the loss or damage; and
- (c) either the insured or the insurer requests in writing that an appraisal under section 128 of the Act be carried out and the other of them agrees.

(5) **The Schedule to the Regulation is amended by adding the following statutory condition:**

Deductible amounts

10.1 (1) Despite anything in this contract,

- (a) the insurer shall be liable only for amounts in excess of the applicable deductible amount, if any, mentioned in this contract; and
- (b) any provision in this contract relating to an obligation of the insurer to pay an amount or to repair, rebuild or replace property that is damaged or lost shall be satisfied by paying the amount determined by deducting any applicable deductible amount from,
 - (i) the amount the insured would otherwise be entitled to recover, or
 - (ii) the cost of repairing, rebuilding or replacing the property.

Deemed deductible amount

(2) For the purposes of subcondition (1), an amount that an insurer is not liable to pay by reason of subsection 261 (1) or (1.1) or 263 (5.1) or (5.2.1) of the *Insurance Act* shall be deemed to be a deductible amount under this contract.

3. This Regulation comes into force on the later of the day it is filed and October 1, 2003.

RÈGLEMENT DE L'ONTARIO 777/03

pris en application de la

LOI SUR LES ASSURANCES

pris le 25 juin 2003
déposé le 2 juillet 2003

modifiant le Règl. de l'Ont. 777/93
(Conditions légales — Assurance-automobile)

Remarque : Le Règlement de l'Ontario 777/93 n'a pas été modifié antérieurement.

1. L'article 1 du Règlement de l'Ontario 777/93 est modifié par adjonction du paragraphe suivant :

(3) Les dispositions suivantes de l'annexe, telles qu'elles existent le jour de l'entrée en vigueur du présent paragraphe, s'appliquent aux contrats d'assurance-automobile qui sont en vigueur ce jour-là ou qui entrent en vigueur par la suite :

1. Les sous-conditions (6), (6.1) et (6.2) de la condition légale 6.
2. La condition légale 7.
3. Les sous-conditions (1) et (2.1) de la condition légale 9.
4. La condition légale 10.1.

Réparation, reconstruction ou remplacement du bien sinistré

(6) L'assureur peut réparer, reconstruire ou remplacer le bien sinistré au lieu d'effectuer le paiement visé à la condition légale 9 s'il donne un avis écrit de son intention dans les sept jours qui suivent la réception de la preuve du sinistre.

Délai de réparation

(6.1) L'assureur effectue les travaux de réparation, de reconstruction ou de remplacement visés à la sous-condition (6) :

- a) dans un délai raisonnable après avoir donné l'avis exigé à la sous-condition (6), si la demande de règlement n'est pas suivie d'une estimation visée à la sous-condition (2.1) de la condition légale 9;
- b) dans un délai raisonnable après avoir reçu la décision des estimateurs quant à la façon dont ils règlent les questions qui font l'objet d'un désaccord, si la demande de règlement est suivie d'une estimation visée à la sous-condition (2.1) de la condition légale 9.

Pièces neuves ou pièces de rechange

(6.2) Pour l'application de la sous-condition (6), l'assureur peut réparer, reconstruire ou remplacer le bien au moyen de pièces neuves fournies par l'équipementier ou de pièces de même nature et qualité que le bien sinistré qui ne sont pas d'origine ou qui sont remises à neuf.

(2) La condition légale 7 de l'annexe du Règlement est modifiée par substitution de «à la sous-condition (1) de la condition légale 5 et à la sous-condition (1) de la condition légale 6» à «aux conditions légales 5 et 6».

(3) La sous-condition (1) de la condition légale 9 de l'annexe du Règlement est abrogée et remplacée par ce qui suit :

Délai et mode de paiement des sommes assurées

(1) S'il n'a pas choisi de réparer, de reconstruire ou de remplacer le bien sinistré, l'assureur paie les sommes assurées auxquelles il est tenu aux termes du contrat :

- a) dans les 60 jours qui suivent la réception de la preuve du sinistre, si la demande de règlement n'est pas suivie d'une estimation visée à la sous-condition (2.1);
- b) dans les 15 jours qui suivent la réception de la décision des estimateurs quant à la façon dont ils règlent les questions qui font l'objet d'un désaccord, si la demande de règlement est suivie d'une estimation visée à la sous-condition (2.1).

(4) La condition légale 9 de l'annexe du Règlement est modifiée par adjonction de la sous-condition suivante :

Règlement d'un désaccord au moyen d'une estimation visée à l'art. 128 de la Loi

(2.1) L'article 128 de la Loi s'applique au présent contrat si les conditions suivantes sont réunies :

- a) l'assureur a reçu de l'assuré une preuve du sinistre à l'égard de biens sinistrés;
- b) l'assureur et l'assuré ne sont pas d'accord :
 - (i) soit sur la nature et l'étendue des travaux de réparation, de reconstruction et de remplacement nécessaires ou sur leur suffisance,
 - (ii) soit sur la somme payable à l'égard du sinistre;
- c) l'assuré ou l'assureur demande par écrit qu'une estimation visée à l'article 128 de la Loi soit effectuée et l'autre accepte.

(5) L'annexe du Règlement est modifiée par adjonction de la condition légale suivante :

Franchises

10.1 (1) Malgré le présent contrat :

- a) l'assureur n'est tenu de payer que les sommes supérieures à la franchise applicable éventuelle qui y est énoncée;
- b) il est satisfait à sa clause qui traite de l'obligation de l'assureur de payer une somme ou de réparer, de reconstruire ou de remplacer des biens sinistrés par le paiement de la somme calculée en déduisant toute franchise applicable :
 - (i) soit de la somme que l'assuré aurait par ailleurs le droit de recouvrer;
 - (ii) soit du coût des travaux de réparation, de reconstruction ou de remplacement.

Somme réputée une franchise

(2) Pour l'application de la sous-condition (1), la somme que l'assureur n'est pas tenu de payer en raison du paragraphe 261 (1) ou (1.1) ou 263 (5.1) ou (5.2.1) de la *Loi sur les assurances* est réputée une franchise dans le cadre du présent contrat.

3. Le présent règlement entre en vigueur le dernier en date du jour de son dépôt et du 1^{er} octobre 2003.

29/03

ONTARIO REGULATION 278/03

made under the

INSURANCE ACT

Made: June 25, 2003

Filed: July 2, 2003

Amending O. Reg. 7/00
(Unfair or Deceptive Acts or Practices)

Note: Ontario Regulation 7/00 has not previously been amended.

1. Section 1 of Ontario Regulation 7/00 is amended by adding the following paragraphs:

12. The use of a document in place of a form approved for use by the Superintendent, unless none of the deviations in the document from the approved form affects the substance or is calculated to mislead.
13. Any examination or purported examination under oath that does not comply with the requirements under the Act or the regulations.

2. The Regulation is amended by adding the following sections:

3. (1) For the purposes of the definition of “unfair or deceptive acts or practices” in section 438 of the Act, each act and omission listed in subsection (2) is prescribed as an unfair or deceptive act or practice if it is committed by or on behalf of a person with the expectation that a benefit will be received that is funded, directly or indirectly, out of the proceeds of insurance.

(2) The following are the acts and omissions listed for the purposes of subsection (1):

1. Charging an amount in consideration for the provision of goods or services to or for the benefit of a person who claims statutory accident benefits if the goods or services are not provided.
2. Soliciting or demanding a referral fee, directly or indirectly, by or from a person who provides goods or services to or for the benefit of a person who claims statutory accident benefits.
3. Acceptance of a referral fee, directly or indirectly, by or from a person who provides goods or services to or for the benefit of a person who claims statutory accident benefits.
4. The payment of a referral fee, directly or indirectly, to or by a person who provides goods or services to or for the benefit of a person who claims statutory accident benefits.
5. Charging an amount in consideration for the provision of goods or services to or for the benefit of a person who claims statutory accident benefits where the amount charged unreasonably exceeds the amount charged to other persons for similar goods or services.
6. The failure to disclose a conflict of interest to a person who claims statutory accident benefits or to an insurer, as required under the *Statutory Accident Benefits Schedule*.

4. (1) For the purposes of the definition of “unfair or deceptive acts or practices” in section 438 of the Act, each of the following acts or omissions of a person is prescribed as an unfair or deceptive act or practice if it occurs in connection with an activity described in subsection 398 (1) of the Act or in connection with the representation of someone in a proceeding under sections 279 to 284:

1. The solicitation or acceptance of or demand for a fee by the person under a contingency fee arrangement.
2. The solicitation or acceptance of or demand for a referral fee, directly or indirectly, by the person from another person who provides goods or services to or for the benefit of anyone who claims statutory accident benefits.
3. The payment of a referral fee by the person, directly or indirectly, to another person who provides goods or services to or for the benefit of anyone who claims statutory accident benefits.

5. The failure by the person to disclose a conflict of interest relating to a claim for statutory accident benefits to anyone who claims the benefits or to the appropriate insurer.
- (2) For the purposes of paragraph 5 of subsection (1), a person has a conflict of interest relating to a claim for statutory accident benefits if,
- (a) the person could receive, directly or indirectly, a financial benefit that arises out of the claim, other than compensation for providing a service referred to in subsection 398 (1) of the Act or for representing another person; or
 - (b) anyone related to the person may receive, directly or indirectly, a financial benefit that arises out of the claim.
- (3) Subsections (1) and (2) apply to every person other than a barrister and solicitor acting in the usual course of the practice of law, whether the person is prohibited from carrying on an activity described in subsection 398 (1) of the Act or is legally entitled to represent someone in a proceeding under sections 279 to 284 of the Act.
- (4) For the purposes of clause (2) (b),
- (a) a person is related to another person if,
 - (i) one person is the spouse or same-sex partner of the other person,
 - (ii) one person is connected with the other person by blood relationship or adoption, or
 - (iii) one person is connected by blood relationship to the spouse or same-sex partner of the other person;
 - (b) persons are connected by blood relationship if,
 - (i) one is the child or other descendant of the other person, or
 - (ii) one is the brother or sister of the other person; and
 - (c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of,
 - (i) the other person, or
 - (ii) a person who is connected by blood relationship to the other person but is not the brother or sister of the other person.
- (5) For the purposes of subsection (2), a financial benefit arises out of a claim for statutory accident benefits where the benefit is related to the claim and would not have arisen if the claim had not been made.

3. This Regulation comes into force on the later of November 1, 2003 and the day this Regulation is filed.

29/03

ONTARIO REGULATION 279/03

made under the

MOTOR VEHICLE ACCIDENT CLAIMS ACT

Made: June 25, 2003
Filed: July 2, 2003

DISCLOSURE OF INFORMATION

Definitions

1. In this Regulation,

“applicant” means a person who has a cause of action against the Superintendent or against the owner or driver of a motor vehicle that may be uninsured and includes,

- (a) a person who has served a notice on the Superintendent under section 3 of the Act,
- (b) a person who has made an application for payment out of the Fund under section 4 or 7 of the Act,
- (c) a person who has provided notice to the Minister under section 8 of the Act, or

(d) a person who may bring an action against the Superintendent under section 12, 13 or 15 of the Act;
“member of a health profession” means a member of a College as defined in the *Regulated Health Professions Act, 1991*;
“same-sex partner” has the same meaning as in Part III of the *Family Law Act*;
“spouse” has the same meaning as in Part III of the *Family Law Act*.

Information to be provided under s. 27.1 (a) of Act

2. For the purpose of clause 27.1 (a) of the Act, an applicant must provide the following information to the Minister within the applicable time period set out in section 3:

1. Details of any insurance policy that may have provided coverage for the incident including,
 - i. whether any of the following persons was, on the date of the incident, an insured under an automobile insurance policy, and if so, the name, address and date of birth of the person and the name of the insurance company and the policy number for:
 - A. the applicant,
 - B. any spouse or same-sex partner of the applicant,
 - C. any person upon whom the applicant is dependent, and
 - D. any person who is a dependent relative of the applicant,
 - ii. whether any of the persons referred to in sub-subparagraphs i A to D was a lessee of a vehicle, on a lease of more than 30 days, and if so, the name and address of the lessor, the name of the insurance company insuring the leased vehicle and the policy number,
 - iii. whether any of the persons referred to in sub-subparagraphs i A to D had regular use of any motor vehicle insured by their employer, and if so, the name and address of the employer, and the name of the insurance company insuring the employer’s vehicle and the policy number,
 - iv. whether the applicant was a specified driver under any policy of insurance, and if so, the name of the insurance company and the policy number,
 - v. whether any of the vehicles involved in the incident that is the subject of the notice or application filed by the applicant were described vehicles under an automobile insurance policy, and if so, the name of the insurance company and the policy number.
2. Names and addresses of all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and details of any proceedings commenced against those persons.
3. Place of residence of the applicant on the date of the incident, including address.
4. Confirmation of whether a police report was prepared as a result of the incident, and if one was, a copy of the report.
5. If the applicant is making a claim in respect of income loss, evidence of the person’s income from all sources for the 52 weeks immediately preceding the incident.
6. If the applicant is making a claim arising out of another person’s death, the applicant’s consent to the Minister obtaining a copy of the autopsy report.
7. A copy, or the applicant’s consent to the Minister obtaining a copy, of every application for statutory accident benefits that the applicant submitted to any insurer during the time period described in clause 3 (b) as a result of the incident, and all other material submitted in connection with the applications.
8. A copy, or the applicant’s consent to the Minister obtaining a copy, of every application that the applicant submitted to a person during the time period described in clause 3 (b) for benefits that may be available as a result of the incident.
9. A copy of every medical report prepared for the applicant during the time period described in clause 3 (b) in respect of the applicant’s injuries arising from the incident.
10. A copy, or the applicant’s consent to the Minister obtaining a copy, of any clinical notes and records prepared by every member of a health profession who cared for the applicant during the time period described in clause 3 (b) in respect of injuries arising from the incident.

Applicable time periods

3. The time periods applicable to section 2 are the periods that begin at the time of the incident and end,
 - (a) 180 days after the incident occurs in the case of the information required by paragraphs 1 to 6 of section 2; or
 - (b) 210 days after the incident occurs in the case of the information required by paragraphs 7 to 10 of section 2.

...by the applicant to provide any information within the time periods referred to in section 3 does not relieve the applicant from providing the information.

Reasonable expenses

5. Paragraphs 9 and 10 of section 2 do not apply unless the Minister pays all reasonable expenses incurred in obtaining the material referred to in those paragraphs.

29/03

ONTARIO REGULATION 280/03

made under the

MOTOR VEHICLE ACCIDENT CLAIMS ACT

Made: June 25, 2003

Filed: July 2, 2003

ASSESSMENT

Interpretation

1. (1) In this Regulation,

“assessment period” means the period of time with respect to which the Lieutenant Governor in Council makes an assessment;

“FMGF member” means an insurer that is licensed under the *Insurance Act* for automobile insurance and that is a member of the Fire Mutuals Guarantee Fund;

“PACICC member” means an insurer that is licensed under the *Insurance Act* for automobile insurance and that is a member of the Property and Casualty Insurance Compensation Corporation;

“winding-up order” means a winding-up order being made in respect of an insurer under the *Winding-up and Restructuring Act* (Canada).

(2) For the purpose of this Regulation, an insurer’s direct premiums for automobile insurance in a year are the premiums paid to the insurer in the year other than premiums under agreements for reinsurance.

Classes of insurer

2. The following are classes of insurers for the purposes of assessment by the Lieutenant Governor in Council under subsection 2 (6) of the Act:

1. FMGF members.
2. PACICC members.

Formula, s. 2 (6) of Act

3. For the purposes of an assessment under subsection 2 (6) of the Act, the amounts paid out and expenses and expenditures of the Fund shall be calculated for each assessment period in accordance with the following formula:

$$(A + B + C) - D = E$$

where

A = amounts paid out to persons under subsection 6.1 (3) of the Act,

B = all allocated costs associated with any application submitted by a person under subsection 6.1 (1) of the Act,

C = the unallocated costs incurred by the Fund as a result of a winding-up order and the Fund receiving applications for benefits under subsection 6.1 (1) of the Act,

D = any amounts recovered by the Minister as a result of assignments by the persons who are paid benefits under subsection 6.1 (3) of the Act,

E = the amount to be assessed under subsection 2 (6) of the Act.

Separate calculations

4. The calculation referred to in section 3 shall be made separately for each insurer in respect of which, in the assessment period, amounts are paid out or expenses and expenditures incurred.

PACICC member

5. If the winding-up order is made in respect of a PACICC member, the share recoverable from each insurer that was a PACICC member during the assessment period shall be calculated in accordance with the following formula:

$$E = F \times G/H$$

where,

E = the share recoverable from the PACICC member,

F = the total amount of the assessment to be recovered as calculated under section 3,

G = the PACICC member's direct premiums for automobile insurance in Ontario in the calendar year immediately preceding the beginning of the assessment period,

H = the total, for all PACICC members licensed for automobile insurance during the assessment period of all direct premiums for automobile insurance in the calendar year immediately preceding the beginning of the assessment period, excluding the direct premiums of any PACICC members in respect of which a winding-up order was made during or subsequent to that period.

Same

6. If the winding-up order is made in respect of a PACICC member, the share recoverable from each insurer that was an FMGF member during the assessment period shall be zero.

FMGF member

7. If the winding-up order is made in respect of an FMGF member, the share recoverable from each insurer that was an FMGF member during the assessment period shall be calculated in accordance with the following formula:

$$I = J \times K/L$$

where,

I = the share recoverable from the FMGF member,

J = the total amount of the assessment to be recovered as calculated under section 3,

K = the FMGF member's direct premiums for automobile insurance in Ontario in the calendar year immediately preceding the beginning of the assessment period,

L = the total, for all FMGF members licensed for automobile insurance during the assessment period of all direct premiums for automobile insurance in the calendar year immediately preceding the beginning of the assessment period, excluding the direct premiums of any FMGF members in respect of which a winding-up order was made during or subsequent to that period.

Same

8. If the winding-up order is made in respect of an FMGF member, the share recoverable from each insurer that was a PACICC member during the assessment period shall be zero.

If subject of winding-up order

9. If a PACICC member or FMGF member was the subject of a winding-up order during the assessment period, its share of any assessment is zero.

29/03

made under the
INSURANCE ACT

Made: June 25, 2003
Filed: July 2, 2003

Amending O. Reg. 403/96
(Statutory Accident Benefits Schedule — Accidents on or after November 1, 1996)

Note: Ontario Regulation 403/96 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) The definition of “catastrophic impairment” in subsection 2 (1) of Ontario Regulation 403/96 is revoked.

(2) The definition of “health practitioner” in subsection 2 (1) of the Regulation is amended by striking out “or” at the end of clause (d) and by adding the following clauses:

(b.1) an occupational therapist, if the impairment is one that an occupational therapist is authorized by law to treat,

(f) a registered nurse with an extended certificate of registration, if the impairment is one that the nurse is authorized by law to treat, or

(g) a speech-language pathologist, if the impairment is one that a speech-language pathologist is authorized by law to treat;

(3) Subsection 2 (1) of the Regulation is amended by adding the following definitions:

“business day” means a day that is not,

(a) Saturday, or

(b) a holiday within the meaning of subsection 29 (1) of the *Interpretation Act*, other than Easter Monday and Remembrance Day; (“jour ouvrable”)

“designated assessment” means an assessment arranged or conducted by a designated assessment centre under section 43; (“évaluation désignée”)

“Guideline” means,

(a) a guideline issued by the Superintendent under subsection 268.3 (1) of the Act that is published in *The Ontario Gazette*,

(b) a Pre-approved Framework Guideline,

(c) a guideline that is included in the professional fee guidelines, the *Transportation Expense Guidelines* or the *Optional Indexation Benefit Guidelines*, as published in *The Ontario Gazette* by the Ontario Insurance Commission or Financial Services Commission of Ontario,

(d) a guideline published in *The Ontario Gazette* that is an amended version of a guideline referred to in clause (a), (b) or (c); (“directive”)

“occupational therapist” means a person authorized by law to practise occupational therapy; (“ergothérapeute”)

“Pre-approved Framework Guideline” means a guideline,

(a) that is issued by the Superintendent under subsection 268.3 (1.1) of the Act and published in *The Ontario Gazette*, and

(b) which establishes, in respect of one or more impairments, a treatment framework; (“directive relative à un cadre de traitement préapprouvé”)

“registered nurse with an extended certificate of registration” means a person authorized by law to practise nursing who holds an extended certificate of registration under the *Nursing Act, 1991*; (“infirmière autorisée ou infirmier autorisé titulaire d’un certificat d’inscription supérieur”)

“speech-language pathologist” means a person authorized by law to practise speech-language pathology; (“orthophoniste”)

(4) The definition of “treatment plan” in subsection 2 (1) is revoked.

(5) Section 2 of the Regulation is amended by adding the following subsections:

(1.1) For the purposes of this Regulation, a catastrophic impairment caused by an accident that occurs before October 1, 2003 is,

- (a) paraplegia or quadriplegia;
- (b) the amputation or other impairment causing the total and permanent loss of use of both arms;
- (c) the amputation or other impairment causing the total and permanent loss of use of both an arm and a leg;
- (d) the total loss of vision in both eyes;
- (e) brain impairment that, in respect of an accident, results in,
 - (i) a score of 9 or less on the Glasgow Coma Scale, as published in Jennett, B. and Teasdale, G., *Management of Head Injuries*, Contemporary Neurology Series, Volume 20, F.A. Davis Company, Philadelphia, 1981, according to a test administered within a reasonable period of time after the accident by a person trained for that purpose, or
 - (ii) a score of 2 (vegetative) or 3 (severe disability) on the Glasgow Outcome Scale, as published in Jennett, B. and Bond, M., *Assessment of Outcome After Severe Brain Damage*, Lancet i:480, 1975, according to a test administered more than six months after the accident by a person trained for that purpose;
- (f) subject to subsections (2) and (3), an impairment or combination of impairments that, in accordance with the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, 4th edition, 1993, results in 55 per cent or more impairment of the whole person; or
- (g) subject to subsections (2) and (3), an impairment that, in accordance with the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, 4th edition, 1993, results in a class 4 impairment (marked impairment) or class 5 impairment (extreme impairment) due to mental or behavioural disorder.

(1.2) For the purposes of this Regulation, a catastrophic impairment caused by an accident that occurs after September 30, 2003 is,

- (a) paraplegia or quadriplegia;
- (b) the amputation or other impairment causing the total and permanent loss of use of both arms or both legs;
- (c) the amputation or other impairment causing the total and permanent loss of use of one or both arms and one or both legs;
- (d) the total loss of vision in both eyes;
- (e) subject to subsection (1.4), brain impairment that, in respect of an accident, results in,
 - (i) a score of 9 or less on the Glasgow Coma Scale, as published in Jennett, B. and Teasdale, G., *Management of Head Injuries*, Contemporary Neurology Series, Volume 20, F.A. Davis Company, Philadelphia, 1981, according to a test administered within a reasonable period of time after the accident by a person trained for that purpose, or
 - (ii) a score of 2 (vegetative) or 3 (severe disability) on the Glasgow Outcome Scale, as published in Jennett, B. and Bond, M., *Assessment of Outcome After Severe Brain Damage*, Lancet i:480, 1975, according to a test administered more than six months after the accident by a person trained for that purpose;
- (f) subject to subsections (1.4), (2.1) and (3), an impairment or combination of impairments that, in accordance with the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, 4th edition, 1993, results in 55 per cent or more impairment of the whole person; or
- (g) subject to subsections (1.4), (2.1) and (3), an impairment that, in accordance with the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, 4th edition, 1993, results in a class 4 impairment (marked impairment) or class 5 impairment (extreme impairment) due to mental or behavioural disorder.

(1.3) Subsection (1.4) applies if an insured person is under the age of 16 years at the time of the accident and none of the Glasgow Coma Scale, the Glasgow Outcome Scale or the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, 4th edition, 1993, referred to in clause (1.2) (e), (f) or (g) can be applied by reason of the age of the insured person.

(1.4) For the purposes of clauses (1.2) (e), (f) and (g), an impairment sustained in an accident by an insured person described in subsection (1.3) that can reasonably be believed to be a catastrophic impairment shall be deemed to be the impairment that is most analogous to the impairment referred to in clause (1.2) (e), (f) or (g), after taking into consideration the developmental implications of the impairment.

(6) Subsection 2 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(2) Clauses (1.1) (f) and (g) do not apply in respect of an insured person who sustains an impairment as a result of an accident that occurs before October 1, 2003 unless,

(/) **Section 2 of the Regulation is amended by adding the following subsection:**

(2.1) Clauses (1.2) (f) and (g) do not apply in respect of an insured person who sustains an impairment as a result of an accident that occurs after September 30, 2003 unless,

- (a) the insured person's health practitioner states in writing that the insured person's condition is unlikely to cease to be a catastrophic impairment; or
- (b) two years have elapsed since the accident.

(8) Subsection 2 (3) of the Regulation is amended by striking out "clauses (f) and (g) of the definition of "catastrophic impairment" in subsection (1)" and substituting "clauses (1.1) (f) and (g) and (1.2) (f) and (g)".

2. (1) Subsection 7 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(1) Despite subsections 6 (1) and (5), but subject to subsection 6 (2), the weekly amount of an income replacement benefit payable to a person shall be the lesser of the following amounts:

.

(2) Paragraph 1 of subsection 7 (1) of the Regulation is amended by striking out the portion before subparagraph i and substituting the following:

- 1. The amount determined under subsections 6 (1) and (5), reduced by,

.

(3) Subsection 7 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(2) For the purposes of paragraph 1 of subsection (1), the amount determined under subsections 6 (1) and (5) shall not be reduced by,

.

3. Subsection 14 (4) of the Regulation is revoked and the following substituted:

(4) The insurer is not liable to pay a medical benefit for expenses related to professional services described in clause (2) (a), (b) or (h) rendered to an insured person that exceed the maximum rate or amount of expenses established under the *Guidelines* applicable to the claim.

(4.1) If the *Guidelines* applicable to the claim establish a range of rates or amounts for expenses related to professional services rendered to an insured person,

- (a) the highest rate or amount in the range shall be deemed, for the purposes of subsection (4), to be the maximum rate or amount established under the *Guidelines* applicable to the claim; and
- (b) an insurer that is liable to pay a medical benefit for expenses related to the services described in clause (2) (a), (b) or (h) shall not pay less than the lowest amount or rate in the range unless the insured person's claim is for less than the lowest amount or rate in the range.

4. (1) Clause 15 (5) (k) of the Regulation is revoked and the following substituted:

- (k) transportation for the insured person to and from counselling and training sessions, including transportation for an aide or attendant;

(2) Subsection 15 (6) of the Regulation is revoked and the following substituted:

(6) The insurer is not liable to pay a rehabilitation benefit for expenses related to professional services described in any of clauses (5) (a) to (g) or clause (5) (l) rendered to an insured person that exceed the maximum rate or amount of expenses established under the *Guidelines* applicable to the claim.

(6.1) If the *Guidelines* applicable to the claim establish a range of rates or amounts for expenses related to professional services rendered to an insured person,

- (a) the highest rate or amount in the range shall be deemed, for the purpose of subsection (6), to be the maximum rate or amount established under the *Guidelines* applicable to the claim; and
- (b) an insurer that is liable to pay a rehabilitation benefit for expenses related to the services described in any of clauses (5) (a) to (g) or clause (5) (l) shall not pay less than the lowest amount or rate in the range unless the insured person's claim is for less than the lowest amount or rate in the range.

(3) Subsection 15 (12) of the Regulation is amended by striking out the words "counselling session, training session or assessment" and substituting "counselling or training session".

5. Subsection 16 (5) of the Regulation is revoked and the following substituted:

(5) The amount of the attendant care benefit payable in respect of an insured person shall not exceed the amount determined under the following rules:

1. If the accident occurred before October 1, 2003, the amount of the attendant care benefit payable in respect of the insured person shall not exceed,
 - i. \$3,000 per month, if the insured person did not sustain a catastrophic impairment as a result of the accident, or
 - ii. \$6,000 per month, if the insured person sustained a catastrophic impairment as a result of the accident.
2. If the accident occurred on or after October 1, 2003 and the optional medical, rehabilitation and attendant care benefit referred to in section 27 has not been purchased and does not apply to the insured person, the amount of the attendant care benefit payable in respect of the insured person shall not exceed,
 - i. \$3,000 per month, if the insured person did not sustain a catastrophic impairment as a result of the accident, or
 - ii. \$6,000 per month, if the insured person sustained a catastrophic impairment as a result of the accident.
3. If the accident occurred on or after October 1, 2003 and the optional medical, rehabilitation and attendant care benefit referred to in section 27 has been purchased and applies to the insured person, the amount of the attendant care benefit payable in respect of the insured person shall not exceed the monthly limit fixed for that optional benefit.

6. Section 17 of the Regulation is revoked and the following substituted:

17. (1) The insurer shall pay all reasonable and necessary expenses incurred by or on behalf of an insured person as a result of the accident for services provided by a qualified case manager in accordance with a treatment plan if,

- (a) the insured person sustains a catastrophic impairment as a result of the accident; or
- (b) the accident occurred on or after October 1, 2003 and the optional medical, rehabilitation and attendant care benefit referred to in section 27 has been purchased and applies to the insured person.

(2) The insurer is not liable under subsection (1) to pay expenses related to professional services rendered to an insured person that exceed the maximum rate or amount of expenses established under the *Guidelines* applicable to the claim.

(3) If the *Guidelines* applicable to the claim establish a range of rates or amounts for expenses related to professional services rendered to an insured person,

- (a) the highest rate or amount in the range shall be deemed, for the purpose of subsection (2), to be the maximum rate or amount established under the *Guidelines* applicable to the claim; and
- (b) an insurer that is liable under subsection (1) to pay expenses related to the services rendered to the insured person shall not pay less than the lowest amount or rate in the range, unless the insured person's claim is for less than the lowest amount or rate in the range.

7. (1) Subsections 24 (1) and (2) of the Regulation are revoked and the following substituted:

(1) The insurer shall pay the following expenses incurred by or on behalf of an insured person:

1. Reasonable fees charged by,
 - i. a health practitioner for preparing a disability certificate under section 34,
 - ii. a health practitioner for reviewing a treatment plan under section 38, and for approving it, if appropriate,
 - iii. a member of a health profession for preparing an application for approval of an assessment or examination under section 38.2,
 - iv. a member of a health profession for preparing an assessment of attendant care needs under section 39,
 - v. a health practitioner for preparing an application for a determination of catastrophic impairment under section 40.
2. Fees charged,
 - i. for a designated assessment of the insured person,
 - ii. by a health practitioner in accordance with a *Pre-approved Framework Guideline* for preparing a treatment confirmation form for the purposes of section 37.1,
 - iii. by a member of a health profession in accordance with a *Pre-approved Framework Guideline* for conducting an assessment or examination and preparing a report for the purposes of section 37.1.
3. Reasonable fees, other than fees referred to in paragraph 1 or subparagraph 2 iii, that are charged by a member of a health profession for conducting an assessment or examination and preparing a report, if the assessment or examination and the report are reasonably required in connection with a benefit claimed or the preparation of a

i. the assessment or examination and the preparation of the report,

A. relates to ancillary goods or services described in section 37.2, and

B. are services contemplated by a treatment confirmation form submitted in accordance with section 37.1, or

ii. the insured person submits the expense for approval under a treatment plan under section 38 or submits an application for approval of an assessment or examination under section 38.2.

(1.1) An insurer is not required to pay an expense referred to in subparagraph 3 ii of subsection (1) if the expense is incurred,

(a) before obtaining the approval of the insurer; or

(b) before a designated assessment is conducted and the report of the person or persons who conducted the designated assessment is delivered to the insured person and the insurer, in the case where an application for approval for an assessment or examination was made under section 38.2 and denied by the insurer.

(1.2) Despite subsection (1.1), the prior approval of an insurer is not required for the following:

1. An assessment or examination for the purposes of preparing a treatment plan under section 38 in circumstances in which an immediate risk of harm to the insured person or a person in the insured person's care makes obtaining the prior approval of the insurer impractical.

2. Not more than three assessments or examinations for the purposes of preparing a treatment plan under section 38 if,

i. the insured person has not received treatment under a *Pre-approved Framework Guideline*,

ii. the cost of each assessment or examination does not exceed \$180.00, and

iii. not more than one assessment or examination is done by the same person.

3. Not more than one assessment or examination for the purposes of preparing a treatment plan under section 38 if,

i. the insured person has received treatment under a *Pre-approved Framework Guideline*,

ii. the cost of the assessment or examination does not exceed \$180.00, and

iii. the person conducting the assessment or examination did not provide goods or services to the insured person under a *Pre-approved Framework Guideline* in respect of the same accident.

4. An assessment or examination for the purposes of preparing a disability certificate under section 34, if the cost of the assessment or examination does not exceed \$180.

5. An assessment or examination for the purposes of preparing an assessment of attendant care needs under section 39, but not an assessment or examination relating to an impairment that comes within a *Pre-approved Framework Guideline* unless the *Guideline* expressly states that the prior approval of the insurer is not required for the assessment or examination.

6. An assessment or examination for the purposes of determining if an insured person has a catastrophic impairment, if the insured person is hospitalized or is in a long-term care facility at the time of the assessment or examination.

7. An assessment or examination conducted after the insurer notifies the insured person that, before the assessment or examination is conducted, the insurer does not require the submission of a treatment plan under section 38 or an application for approval of an assessment or examination under section 38.2.

8. An assessment or examination conducted under the provisions of a *Guideline* that authorizes the assessment or examination without the prior approval of the insurer.

(1.3) If the approval of an insurer is required and is requested with respect to an assessment or examination required for the purposes of preparing a treatment plan, the insurer shall give notice as to whether it will agree to pay for the assessment or examination,

(a) within two business days after receiving the request if the amount to be charged for the assessment is \$180.00 or less; or

(b) within five business days after receiving the request if the amount to be charged is greater than \$180.00.

(1.4) A notice required under subsection (1.3) may be given verbally to the insured person, to the member of the health profession who intends to perform the assessment or examination or to both of them if, as soon as practicable afterwards, written confirmation of the notice is given to the insured person and, if the notice was given verbally to the member of the health profession, to the member of the health profession.

(1.5) If an insurer fails to provide a notice required under subsection (1.3) within the time period required under that subsection, the insurer shall be deemed to have agreed to pay for the assessment or examination.

(1.6) Subject to subsection (4), the insurer shall pay reasonable expenses incurred by or on behalf of an insured person for transportation expenses incurred in transporting the insured person to and from an assessment or examination referred to in subsection (1), including transportation expenses for an aide or an attendant.

(2) The insurer is not liable under subsection (1) for expenses related to professional services rendered to an insured person that exceed the maximum rate or amount of expenses established under the *Guidelines* applicable to the claim.

(2.1) If the *Guidelines* applicable to the claim establish a range of rates or amounts for expenses related to professional services rendered to an insured person,

- (a) the highest rate or amount in the range shall be deemed, for the purpose of subsection (2), to be the maximum rate or amount established under the *Guidelines* applicable to the claim; and
- (b) an insurer that is liable to pay expenses related to the services rendered to the insured person shall not pay less than the lowest amount or rate in the range, unless the insured person's claim is for less than the lowest amount or rate in the range.

(2) Subsection 24 (3) of the Regulation is amended by striking out "clause (1) (c)" and substituting "subsection (1.6)".

(3) Subsection 24 (4) of the Regulation is amended by striking out "clause 1 (c)" and substituting "subsection (1.6)".

(4) Section 24 of the Regulation is amended by adding the following subsection:

(5) Vocational assessments referred to in clause 15 (5) (f) are not assessments for the purposes of this section.

8. (1) Paragraph 3 of subsection 25 (2) of the Regulation is revoked and the following substituted:

- 3. If no payment is required by paragraph 1, an additional payment to the insured person's dependants and the persons, other than a former spouse or same-sex partner of the insured person, to whom the insured person had an obligation at the time of the accident to provide support under a domestic contract or court order, to be divided equally among the persons entitled, in an amount equal to \$25,000 if the accident occurred before October 1, 2003 or, if the accident occurred on or after October 1, 2003,
 - i. \$25,000, or
 - ii. if the optional death and funeral benefit referred to in section 27 has been purchased and is applicable to the insured person, the amount fixed by the optional benefit.

(2) Section 25 of the Regulation is amended by adding the following subsection:

(4.1) If at the time of the accident the insured person was a dependant in respect of more than one person who is entitled to a payment under this section, the payment shall be divided equally among the persons in respect of whom the insured person was a dependant.

9. (1) Paragraph 4 of subsection 27 (1) of the Regulation is revoked and the following substituted:

- 4. An optional death and funeral benefit that,
 - i. fixes the amount payable under paragraph 1 of subsection 25 (2) at \$50,000, instead of the amount specified in subparagraph 1 i of subsection 25 (2),
 - ii. fixes the amount payable under paragraph 2 of subsection 25 (2) at \$20,000, instead of the amount specified in subparagraph 2 i of subsection 25 (2),
 - iii. fixes the amount payable under paragraph 3 of subsection 25 (2) at \$50,000 if the accident occurred on or after October 1, 2003, instead of the amount specified in subparagraph 3 i of subsection 25 (2), and
 - iv. fixes the maximum payment for funeral expenses at \$8,000 instead of the amount specified in clause 26 (2) (a).

(2) Section 27 of the Regulation is amended by adding the following subsection:

(5) Despite paragraph 3 of subsection (1), the amount of the attendant care benefit payable in respect of an insured person relating to an accident that occurs on or after October 1, 2003 shall not exceed \$6,000 per month.

10. (1) Subsection 30 (2) of the Regulation is amended by striking out "or" at the end of clause (a) and by adding the following clauses:

- (c) in respect of a person who, at the time of the accident,
 - (i) was engaged in an act for which the person is convicted of a criminal offence, or
 - (ii) was an occupant of an automobile that was being used in connection with an act for which the person is convicted of a criminal offence; or

(2) Subsection 30 (5) of the Regulation is amended by striking out "clause (4) (a)" in the portion before the definition of "criminal offence" and substituting "this section".

11. (1) Subsection 32 (1) of the Regulation is revoked and the following substituted:

(1) A person shall notify the insurer of his or her intention to apply for a benefit under this Regulation.

(1.1) A person shall notify the insurer under subsection (1) no later than,

(a) the 30th day after the circumstances arose that gave rise to the entitlement to the benefit, or as soon as practicable after that day, if those circumstances arose as a result of an accident that occurred before October 1, 2003; or

(b) the seventh day after the circumstances arose that give rise to the entitlement to the benefit, or as soon as practicable after that day, if those circumstances arose as a result of an accident that occurred on or after October 1, 2003.

(2) Section 32 of the Regulation is amended by adding the following subsections:

(3.1) If an insurer receives an incomplete application for a benefit under this Regulation, the insurer shall notify the person within 14 days after receiving the incomplete application that the application is incomplete and shall indicate the information that is missing.

(3.2) Subsection (3.1) applies only if the insurer, after a reasonable review of the incomplete application, is unable to determine without the missing information if a benefit is payable.

(5) If subsection (3.1) applies in respect of an incomplete application, no benefit is payable before the person provides the missing information.

(6) If, in respect of an accident that occurs on or after October 1, 2003, a person fails, without a reasonable explanation, to notify an insurer under subsection (1) within the seven days set out in clause (1.1) (b), the insurer may delay determining if the person is entitled to a benefit under section 35, 38, 39 or 41 for a maximum of 45 days after the day the insurer receives the person's application.

12. (1) Section 33 of the Regulation is amended by adding the following subsections:

(1.1) If requested by the insurer, a person who applies for a benefit under this Regulation as a result of an accident shall submit to an examination under oath, but is not required to,

(a) submit to more than one examination under oath in respect of matters relating to the same accident; or

(b) submit to an examination under oath during a period when the person is incapable of being examined under oath because of his or her physical, mental or psychological condition.

(1.2) A person is entitled to be represented at his or her own expense at the examination under oath by such counsel or other representative of his or her choice as the law otherwise permits.

(1.3) The insurer shall make reasonable efforts to schedule the examination under oath for a time and location that are convenient for the person and shall give the person reasonable advance notice of the following:

1. The date and location of the examination.

2. That the person is entitled to be represented in the manner described in subsection (1.2).

3. The reason or reasons for the examination.

4. That the scope of the examination will be limited to matters that are relevant to the person's entitlement to benefits.

(1.4) The insurer shall limit the scope of the examination under oath to matters that are relevant to the person's entitlement to benefits under this Regulation.

(2) Subsection 33 (2) of the Regulation is revoked and the following substituted:

(2) The insurer is not liable to pay a benefit in respect of any period during which the insured person failed to comply with subsection (1) or (1.1).

(3) Subsection (2) does not apply in respect of a non-compliance with subsection (1.1) if,

(a) the insurer fails to comply with subsection (1.3) or (1.4); or

(b) the insurer interferes with the insured person's right to be represented as described in subsection (1.2).

(4) If an insured person who failed to comply with subsection (1) or (1.1) subsequently complies with that subsection, the insurer,

- (a) shall resume payment of the benefit, if a benefit was being paid; and
- (b) shall pay all amounts that were withheld during the period of non-compliance, if the insured person provides a reasonable explanation for the delay in complying with the subsection.

13. Subsection 35 (3) of the Regulation is revoked and the following substituted:

(3) Despite subsection (2), the insurer may delay determining whether a person is entitled to the benefit for up to 45 days from the date the insurer receives the person's application if the person fails, without a reasonable explanation, to notify the insurer within the 30 days required under clause 32 (1.1) (a) if the application relates to an accident that occurred before October 1, 2003.

14. Subsections 37 (3), (4) and (5) of the Regulation are revoked and the following substituted:

(3) The following rules apply if notice is given under clause (1) (b) for the reason that the person no longer has a disability that entitles the person to continue to receive the benefit:

1. The date specified in the notice under subsection (2) shall be not less than 14 days after the day the person receives the notice.
2. The notice under clause (1) (b) shall inform the person that he or she has the right to require a designated assessment in accordance with section 43 by giving the insurer written notice and a disability certificate from a health practitioner under section 34, before the date specified in the notice under subsection (2).
3. Despite subsection (2), the insurer shall not stop payment of the benefit if, within 14 days after receiving the notice under clause (1) (b), the person gives the insurer written notice that he or she requires a designated assessment in accordance with section 43 and provides the disability certificate referred to in paragraph 2.

(3.1) Subsections 34 (3) and (4) do not apply where the notice given by the insurer under clause (1) (b) contains the information described in paragraph 2 of subsection (3).

(4) The insurer may stop paying a benefit to a person, after providing the person with notice of its reasons for stopping payment, if,

- (a) the person undergoes a designated assessment referred to in paragraph 3 of subsection (3); and
- (b) the report from the designated assessment centre states that the person no longer has a disability that entitles the person to receive the benefit.

(5) The insurer may dispute the obligation to pay a benefit in accordance with sections 279 to 283 of the Act and, pending the resolution of the dispute, the insurer shall pay the benefit if,

- (a) the person undergoes a designated assessment referred to in paragraph 3 of subsection (3); and
- (b) the report from the designated assessment centre states that the person continues to have a disability that entitles the person to receive the benefit.

15. The Regulation is amended by adding the following sections:

PRE-APPROVED FRAMEWORK GUIDELINES

37.1 (1) This section applies if an insured person,

- (a) submits or intends to submit an application for a benefit in accordance with section 32; and
- (b) claims medical or rehabilitation benefits in respect of an impairment that comes within a *Pre-approved Framework Guideline*.

(2) The insured person shall submit to the insurer, within the time specified in the *Pre-approved Framework Guideline* applicable to the impairment, a treatment confirmation form that satisfies the following requirements:

1. The treatment confirmation form shall be prepared by a health practitioner who is authorized by law to treat the impairment that is the subject of the form and who will be the health practitioner responsible for providing goods and services under the treatment confirmation form.
2. The treatment confirmation form shall contain details concerning the impairment and specify the *Pre-approved Framework Guideline* under which benefits are claimed.
3. The treatment confirmation form shall include a statement by the health practitioner who prepared the form,
 - i. disclosing any conflict of interest that he or she has that relates to the goods or services to be provided under the *Pre-approved Framework Guideline*,
 - ii. confirming that he or she has made reasonable inquiries to determine if any person who referred the insured person to a person who will provide goods or services under the *Pre-approved Framework Guideline* has a conflict of interest relating to the treatment, and

4. The treatment confirmation form shall be signed by the insured person, unless the insurer waives this requirement.
- (3) A lawyer or other representative who acts for the insured person in respect of the application for a benefit or in respect of any civil proceeding arising from the accident shall, at the time the treatment confirmation form is submitted, give the insurer and the insured person written notice disclosing any conflict of interest that the lawyer or representative has relating to the claim for benefits.
- (4) If a conflict of interest is disclosed in the treatment confirmation form or by a person under subsection (3), the insurer may refuse the application.
- (5) Within five business days after receiving a treatment confirmation form, the insurer shall send a notice that complies with the following rules to the insured person and to the health practitioner, acknowledging receipt of the treatment confirmation form:
1. The notice shall state whether the policy referred to in the treatment confirmation form was in force at the time of the accident.
 2. If the insurer refuses the application by reason of a conflict of interest, the notice shall state the reason the application is refused, what the conflict of interest is and that the insured person may submit a new application.
 3. If the treatment confirmation form includes a claim for ancillary goods or services referred to in section 37.2, the notice shall comply also with the requirements of that section.
- (6) Despite subsection (4), the insurer shall not refuse an application because of a conflict of interest if there is no other person within 50 kilometres of the insured person's residence who is able to provide the goods or services to which the conflict of interest relates.
- (7) If an insured person submits an application under section 32 and a treatment confirmation form under this section in respect of an impairment and the claim is accepted by the insurer, the insurer is liable to pay benefits of a type described in section 14 or 15 in respect of the impairment only in accordance with,
- (a) the *Pre-approved Framework Guideline* to which the treatment confirmation form relates; and
 - (b) the requirements of section 37.2, if that section applies in respect of the claim.
- (8) If the insured person has submitted an application under section 32 to the insurer, the insurer shall pay a benefit referred to in subsection (7) within 30 days after receiving an invoice for goods or services,
- (a) that have been provided under the *Pre-approved Framework Guideline* to which the treatment confirmation form relates; or
 - (b) that the insurer has agreed under section 37.2 to pay for and that have been provided.
- (9) An insurer is not liable to pay benefits under more than one treatment confirmation form relating to the same *Pre-approved Framework Guideline*.
- (10) An insured person may receive benefits under two or more *Pre-approved Framework Guidelines* if permitted under the *Guidelines*.
- (11) An insured person shall submit an amended treatment confirmation form if, during the course of treatment under a *Pre-approved Framework Guideline*, he or she changes the health practitioner who is responsible for providing goods and services under the treatment confirmation form.
- (12) The insurer is liable to pay for goods and services under an amended treatment confirmation form only to the extent the goods and services have not already been provided under the *Pre-approved Framework Guideline*.
- (13) Sections 42 and 43 do not apply to a claim for payment for goods and services provided under a *Pre-approved Framework Guideline*.
- (14) If goods or services available under a *Pre-approved Framework Guideline* are not provided within the times specified in the applicable *Guideline*, any claim for medical or rehabilitation benefits to which the *Guideline* would otherwise apply shall, subject to section 37.2, be submitted in accordance with section 38.
- (15) If a court or arbitrator determines in any dispute about an insured person's entitlement to medical or rehabilitation benefits or related assessments or examinations that a *Pre-approved Framework Guideline* applies to the insured person and the insured person received benefits or underwent assessments or examinations under the *Pre-approved Framework Guideline*,
- (a) the benefits shall be deemed to have been reasonable and necessary for the purposes of sections 14 and 15; and
 - (b) the assessments and examinations shall be deemed to have been reasonably required for the purposes of section 24.

37.2 (1) In this section, ancillary goods or services, in respect of an impairment to which a *Pre-approved Framework Guideline* applies, are goods or services for which the *Guideline*,

(a) requires the insurer's approval; and

(b) permits a claim to be made in a treatment confirmation form under section 37.1.

(2) If a treatment confirmation form under section 37.1 includes a claim for ancillary goods or services, the following rules apply:

1. If the insurer does not agree to pay for all of the ancillary goods and services claimed in the treatment confirmation form, the insurer shall require the insured person to be assessed by a designated assessment centre in accordance with section 43 in respect of the ancillary goods and services the insurer will not pay for.

2. The notice given by the insurer under subsection 37.1 (5) shall state,

i. what ancillary goods and services, if any, that the insurer will pay for,

ii. what ancillary goods and services the insurer will not pay for and the reasons why the insurer will not pay for them, and

iii. that the insurer requires the insured person to be assessed by a designated assessment centre in accordance with section 43 in respect of the ancillary goods and services the insurer will not pay for.

(3) Despite subsection (2), no designated assessment is required if, within two business days after receiving the notice referred to in that subsection, the insured person gives the insurer written notice that he or she will not make any claim in respect of the goods and services for which the insurer has indicated it will not pay.

(4) If the insurer fails, within the time required under subsection 37.1 (5), to comply with the requirements of paragraph 2 of subsection (2) or fails to give the notice under subsection 37.1 (5), the insurer shall pay for all ancillary goods and services delivered under the treatment confirmation form.

(5) The following rules apply in respect of an expense for or relating to an ancillary good or service, subject to the determination of a dispute relating to the expense in accordance with sections 279 to 283 of the Act:

1. If a report from a designated assessment centre states that, in the opinion of the person or persons who conducted the designated assessment, the expense is reasonable and necessary for the insured person's treatment or rehabilitation, the insurer shall pay the expense.

2. If a report from a designated assessment centre does not state that, in the opinion of the person or persons who conducted the designated assessment, the expense is reasonable and necessary for the insured person's treatment or rehabilitation, the insurer is not required to pay the expense.

3. If a report from a designated assessment centre states that, in the opinion of the person or persons who conducted the designated assessment, the expense in respect of an assessment or examination is reasonably required in relation to the benefit claimed, the insurer shall pay the expense.

4. If a report from a designated assessment centre does not state that, in the opinion of the person or persons who conducted the designated assessment, an expense in respect of an assessment or examination is reasonably required in relation to the benefit claimed, the insurer is not required to pay the expense.

16. (1) Subsection 38 (1) of the Regulation is revoked and the following substituted:

(1) Subject to subsection (2.1), this section applies to,

(a) any claim for medical or rehabilitation benefits other than,

(i) a claim payable under section 37.1, and

(ii) a claim for ancillary goods and services referred to in section 37.2; and

(b) applications for assessments or examinations under subparagraph 3 ii of subsection 24 (1) that are submitted with a treatment plan under subsection (2).

(1.1) An insured person shall submit an application for a medical or rehabilitation benefit to the insurer before incurring any expense in respect of the benefit or an assessment or examination to which this section applies.

(2) Subsection 38 (2) of the Regulation is revoked and the following substituted:

(2) An application under this section must be signed by the insured person, unless the insurer waives that requirement, and must include, unless section 38.1 applies,

(a) a treatment plan prepared by a member of a health profession; and

(b) a statement by a health practitioner approving the treatment plan referred to in clause (a) and stating that he or she is of the opinion,

(ii) that the impairment sustained by the insured person does not come within a *Pre-approved Framework Guideline*.

(2.1) An insurer may refuse to accept a treatment plan under this section that provides for goods or services to be received in respect of any period during which the insured person is entitled to receive goods or services under a *Pre-approved Framework Guideline*, unless the *Guideline* allows the insured person to receive both, and the insurer's refusal is final and not subject to review.

(2.2) Nothing in subsection (2.1) prevents an insured person, while receiving goods or services under a *Pre-approved Framework Guideline*, from submitting a treatment plan applicable to a period other than the period referred to in that subsection.

(3) Section 38 of the Regulation is amended by adding the following subsection:

(3.1) Despite subsections (1.1), (2) and (3), if an insured person incurs expenses in respect of which a medical or rehabilitation benefit may be payable, other than for expenses payable under a *Pre-approved Framework Guideline*, without complying with subsection (1.1), (2) or (3), the insured person shall submit to the insurer an application for payment of the expenses that complies with subsections (2) and (3) within 30 days after incurring the expenses.

(4) Subsection 38 (8) of the Regulation is revoked and the following substituted:

(8) If no notice is given under subsection (5), the insurer shall give the insured person one of the following notices:

1. A notice disclosing if the insurer has a conflict of interest relating to the treatment plan and stating,
 - i. what goods and services, if any, contemplated by the treatment plan that the insurer will pay for, and
 - ii. what goods and services, if any, contemplated by the treatment plan that the insurer will not pay for.
2. A notice stating that the insurer rejects the treatment plan on the basis that the insured person has an impairment to which a *Pre-approved Framework Guideline* applies.

(8.1) A notice under subsection (8) must be given,

- (a) within 14 days after the insurer receives the application, in the case of a notice described in paragraph 1 of subsection (8); or
- (b) within five business days after the insurer receives the application, in the case of a notice described in paragraph 2 of subsection (8).

(8.2) If the insurer fails to give a notice under subsection (8) in accordance with subsection (8.1), the following rules apply:

1. In the case of a notice under paragraph 2 of subsection (8),
 - i. the insurer cannot reject the treatment plan on the basis that the insured person has an impairment to which a *Pre-approved Framework Guideline* applies, and
 - ii. the insurer shall give a notice described in paragraph 1 of subsection (8) in accordance with subsection (8.1).
2. In the case of a notice under paragraph 1 of subsection (8) or a notice required under that paragraph by reason of subparagraph 1 ii of this subsection, the insurer shall pay for all goods and services provided under the treatment plan that relate to the period starting the day after the day the insurer was required to give the notice and ending on the day the insurer gives the notice.

(5) Subsection 38 (9) of the Regulation is amended by striking out "clause (8) (b)" and substituting "paragraph 1 of subsection (8)".

(6) Subsections 38 (11) and (12) of the Regulation are revoked and the following substituted:

(11) If the application is not withdrawn under subsection (9), the insurer shall pay for goods and services the insurer agreed to pay for in the notice under paragraph 1 of subsection (8) within 30 days after receiving an invoice for them.

(12) If the notice under paragraph 1 of subsection (8) does not indicate that the insurer will pay for all the goods and services contemplated by the treatment plan,

- (a) the insurer shall require the insured person to be assessed by a designated assessment centre in accordance with section 43 in respect of the goods and services the insurer will not pay for; and
- (b) the insurer shall include in the notice under paragraph 1 of subsection (8),
 - (i) a statement of the insurer's reasons for not agreeing to pay for all goods and services contemplated by the treatment plan, and

- (ii) notice that the insurer requires the insured person to be assessed by a designated assessment centre in accordance with section 43.

(12.1) If an insurer gives a notice described in paragraph 2 of subsection (8),

- (a) the insurer shall require the insured person to be assessed in respect of the goods and services by a designated assessment centre; and
- (b) the insurer shall include in the notice,
 - (i) a statement specifying the *Pre-approved Framework Guideline* applicable to the insured person, and
 - (ii) notice that the insurer requires the insured person to be assessed by a designated assessment centre.

(12.2) If an insurer gives notice described in paragraph 2 of subsection (8), the insured person may submit a treatment confirmation form under section 37.1 and receive goods and services in accordance with the *Pre-approved Framework Guideline* referred to in subclause (12.1) (b) (i), pending the determination of the designated assessment referred to in subclause (12.1) (b) (ii).

(12.3) If appropriate, the treatment confirmation form referred to in subsection (12.2) may include a claim for ancillary goods and services under section 37.2.

(7) Subsections 38 (13) and (14) of the Regulation are revoked and the following substituted:

(13) Despite clause (12) (a), no designated assessment shall be required if, within five business days after receiving the notice under subclause (12) (b) (ii), the insured person gives the insurer written notice that he or she will not make any claim in respect of the goods or services that the insurer has stated it will not pay for.

(14) The following rules apply in respect of an expense for or relating to goods or services the insurer has not agreed to pay for, subject to the determination of a dispute relating to the expense in accordance with sections 279 to 283 of the Act:

1. If a report from the designated assessment centre states that, in the opinion of the person or persons who conducted the designated assessment, an expense claimed under section 14 or 15 is reasonable and necessary for the insured person's treatment or rehabilitation, or in the case of an assessment or examination under subparagraph 3 ii of subsection 24 (1), that the expense is reasonably required in relation to the benefit claimed, the insurer shall pay the expense.
2. If a report from the designated assessment centre does not state that, in the opinion of the person or persons who conducted the designated assessment, an expense claimed under section 14 or 15 is reasonable and necessary for the insured person's treatment or rehabilitation, or in the case of an assessment or examination under subparagraph 3 ii of subsection 24 (1), that the expense is reasonably required in relation to the benefit claimed, the insurer is not required to pay the expense.
3. If a report from the designated assessment centre states that, in the opinion of the person or persons who conducted the designated assessment, the insured person has an impairment to which a *Pre-approved Framework Guideline* applies, the insurer may reject the treatment plan and may treat the application for benefits as an application under section 37.1.
4. If a report from the designated assessment centre states that, in the opinion of the person or persons who conducted the designated assessment, the insured person does not have an impairment to which a *Pre-approved Framework Guideline* applies, the insurer shall give the insured person a notice described in paragraph 1 of subsection (8).

(8) Subsection 38 (15) of the Regulation is amended by striking out "an assessment by a designated assessment centre" in the portion before paragraph 1 and substituting "a designated assessment".

(9) Paragraphs 3 and 4 of subsection 38 (15) of the Regulation are revoked and the following substituted:

3. Expenses for transportation to or from counselling sessions, training sessions, or treatment sessions, including transportation for an aide or attendant.
4. Labour market re-entry expenses payable by the insurer until a dispute over whether a benefit is payable under the *Workplace Safety and Insurance Act, 1997* is resolved.

(10) Subsections 38 (16) and (17) of the Regulation are revoked.

(11) Subsection 38 (18) of the Regulation is amended by striking out the portion before clause (a) and substituting:

(18) Despite subsection (1.1), if the insurer receives an application described in subsection (3.1), the insurer shall, within 30 days after receiving the application,

(12) Subsection 38 (19) of the Regulation is amended by striking out "subclause (8) (a) (i) or (ii)" and substituting "subparagraph 1 i of subsection (8)".

(13) Subsections 38 (22) to (25) of the Regulation are revoked.

17. The Regulation is amended by adding the following sections:

...insured person that the insurer will pay the expenses without the submission of a treatment plan under that section.

- (2) If the insurer gives the insured person a notice under subsection (1),
 - (a) the notice shall describe the expenses that the insurer will pay without the submission of a treatment plan and shall specify,
 - (i) the types of expenses,
 - (ii) any restrictions on the amount of the expenses, and
 - (iii) any restrictions on when the expenses may be incurred;
 - (b) the insurer shall pay expenses described in the notice within 30 days after receiving an invoice for them; and
 - (c) if there is a dispute about whether, for the purpose of subsection 14 (2) or 15 (5), an expense described in the notice is reasonable or necessary, the insurer shall pay the expense pending resolution of the dispute in accordance with sections 279 to 285 of the Act.
- (3) The insurer shall give the insured person a notice disclosing any conflict of interest that the insurer has relating to any person who will provide goods or services to whom the insured person is referred by the insurer.
- (4) Every member of a health profession who refers an insured person to a person who will provide goods or services in respect of which a medical or rehabilitation benefit will be paid by an insurer under this section shall give the insurer and the insured person written notice disclosing any conflict of interest that the member of the health profession has relating to the goods or services.
- (5) If a conflict of interest is disclosed under subsection (4), the insurer may give the insured person a notice requiring the insured person to submit a treatment plan to the insurer under section 38 and, if a notice is given under this subsection,
 - (a) the insurer is relieved of any obligation under this section to pay expenses other than expenses incurred before the notice was given;
 - (b) subsections (1) to (4) do not apply; and
 - (c) the insured person may submit an application and treatment plan under section 38.

ASSESSMENTS AND EXAMINATIONS

38.2 (1) This section applies to an application for approval of an assessment or examination referred to in subparagraph 3 ii of subsection 24 (1), unless the application is submitted with a treatment plan under section 38.

- (2) The application shall include a statement by the member of a health profession who is to conduct the assessment or examination,
 - (a) disclosing any conflict of interest that he or she has relating to the assessment or examination to which the application relates;
 - (b) indicating that he or she has made reasonable inquiries to determine whether any person who referred the insured person to him or her has a conflict of interest relating to the assessment or examination and, if there is a conflict of interest, disclosing the conflict of interest that the person has; and
 - (c) stating that the assessment or examination is reasonably required in relation to a benefit.
- (3) A lawyer or other representative who acts for the insured person in respect of the application or with respect to any civil proceeding arising from the accident shall, at the time the application is submitted, give the insurer and the insured person written notice disclosing any conflict of interest that the lawyer or other representative has relating to the application.
- (4) If a conflict of interest is disclosed under subsection (2) or (3), the insurer may refuse the application and, within two business days after receiving the application, give the insured person notice that the application is refused and that the insured person may submit a new application.
- (5) Despite subsection (4), the insurer shall not refuse the application because of a conflict of interest if there is no other person within 50 kilometres of the insured person's residence who is able to conduct the assessment or examination.
- (6) If the insurer has not refused the application under subsection (4), the insurer shall, within the applicable time period under subsection 24 (1.3), determine whether the insurer is required to pay for any assessment or examination to which the application relates and shall give the insured person a notice,

- (a) stating which assessments or examinations in the application that the insurer will or will not pay for;
- (b) specifying the insurer's reasons for not agreeing to pay for any assessment or examination to which the application relates;

- (c) requiring the insured person to be assessed by a designated assessment centre in accordance with section 43, if the insurer states in the notice that it will not pay for an assessment or examination to which the application relates; and
 - (d) disclosing any conflict of interest that the insurer has relating to any assessment or examination to which the application relates.
- (7) If the insurer determines that it is not required to pay for any assessment or examination to which the application relates, the insurer shall require the insured person to be assessed in respect of the requirement for the assessment or examination by a designated assessment centre in accordance with section 43.
- (8) Despite clause (6) (c) and subsection (7), no designated assessment shall be required in respect of an assessment or examination that the insurer has stated it will not pay for if, within two business days after receiving the notice under subsection (6), the insured person gives the insurer written notice that he or she will not make any claim in respect of the assessment or examination.
- (9) If the insurer does not refuse the application under subsection (4) but fails to give the notice as required under subsection (6), the insurer shall pay for all assessments and examinations to which the application relates.
- (10) If, in a notice under subsection (6), the insurer discloses a conflict of interest relating to an assessment or examination, the insured person may withdraw the application and submit a new application within two business days after receiving the notice from the insurer.
- (11) Despite subsection (10), the insured person shall not withdraw the application or submit a new application if there is no other person within 50 kilometres of the insured person's residence who is able to conduct the assessment or examination.
- (12) If the application is not withdrawn under subsection (10), the insurer shall pay for all assessments and examinations it agreed to pay for in the notice under subsection (6) and shall make each payment within 30 days after receiving an invoice for the cost of the assessment or examination.
- (13) The following rules apply in respect of an assessment or examination that the insurer has not agreed to pay for, subject to the determination of a dispute relating to the expense in accordance with sections 279 to 283 of the Act:
- 1. If a report from a designated assessment centre states that, in the opinion of the person or persons who conducted the designated assessment, the assessment or examination to which the application relates is reasonably required in relation to the benefit claimed, the insurer shall pay for the assessment or examination.
 - 2. If a report from a designated assessment centre does not state that, in the opinion of the person or persons who conducted the designated assessment, the assessment or examination is reasonably required in relation to the benefit claimed, the insurer is not required to pay for the assessment or examination.
- (14) If, after giving a notice under subsection (6) in which the insurer agrees to pay for an assessment or examination, it comes to the insurer's attention that a person described in subsection (2) or (3) has a conflict of interest relating to the assessment or examination, the insurer may give the insured person notice requiring the insured person, within five business days after receiving the notice, to amend the application so that no conflict of interest will arise.
- (15) If the insured person does not amend the application as required under subsection (14), the insurer is not required to pay for the assessment or examination referred to in that subsection.
- (16) Subsection (14) does not apply if there is no other person within 50 kilometres of the insured person's residence who is able to conduct the assessment or examination to which the conflict of interest relates.

CONFLICT OF INTEREST

38.3 (1) For the purposes of sections 37.1, 38, 38.1 and 38.2,

- (a) a person has a conflict of interest relating to the provision of goods or services if,
 - (i) the person or a related person may receive a financial benefit, directly or indirectly, as a result of the provision, by the related person or another person, of the goods or services, and
 - (ii) the person who may receive the financial benefit is not the employee of the person who will provide the goods or services and does not have a contract with the person who will provide the goods or services or under which goods or services of that kind are provided; and
 - (b) an insurer has a conflict of interest relating to the provision of goods or services to an insured person if the insurer may receive a financial benefit, directly or indirectly, as a result of the provision of the goods or services.
- (2) A related person, in respect of a person who is not a corporation, is an individual who is,
- (a) the spouse or same-sex partner of the person;
 - (b) connected with the person by blood relationship or adoption; or
 - (c) connected by blood relationship to the spouse or same-sex partner of the person.

- (a) persons are connected by blood relationship if one is the child or other descendant of the other or is the brother or sister of the other; and
- (b) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as a child of a person who is connected by blood relationship, otherwise than as brother or sister, to the other.

18. (1) Clause 39 (1) (b) of the Regulation is revoked and the following substituted:

- (b) give the insured person notice that the insurer requires the insured person to furnish an assessment of attendant care needs in Form 1 prepared by a member of a health profession who is authorized by law to treat the person's impairment.

(2) Subsection 39 (2) of the Regulation is amended by striking out "a certificate" and substituting "an assessment of attendant care needs".

(3) Subsections 39 (3), (4) and (5) of the Regulation are revoked and the following substituted:

(3) If the insurer is required to pay the benefit, it shall begin payment of the benefit within 30 days after receiving the application or, if the insurer has required an assessment of attendant care needs in Form 1, within 14 days after receiving Form 1.

(4) If the insurer determines that an insured person is not entitled to receive an attendant care benefit, the insurer shall require the person to undergo a designated assessment in accordance with section 43 and shall give the person notice of its determination and the requirement for the designated assessment, with reasons,

- (a) within 14 days after receiving the application; or
- (b) within 14 days after receiving the assessment of attendant care needs in Form 1, if the insurer required an assessment of attendant care needs under this section.

(4) Subsection 39 (6) of the Regulation is amended by striking out "an assessment" and substituting the words "a designated assessment".

(5) Subsections 39 (7) and (8) of the Regulation are revoked and the following substituted:

(7) If an insured person is receiving an attendant care benefit and the insurer determines that the person is no longer entitled to receive the benefit or that the amount of the benefit should be reduced, the insurer shall require the person to undergo a designated assessment in accordance with section 43 and shall give the person notice of its determination and the requirement for the designated assessment, with reasons, no later than the date the next payment of the benefit is due.

(8) If an insured person who is receiving an attendant care benefit submits an application to the insurer to increase the amount of the benefit, and the insurer determines that the person is not entitled to receive an increased amount, the insurer shall require the person to undergo a designated assessment in accordance with section 43 and shall give the person notice of its determination and the requirement for the designated assessment, with reasons, within 14 days after the application is received.

(9) If a designated assessment is required under subsection (7) or (8), the insurer shall, pending receipt of the report of the designated assessment centre, continue to pay the insured person the attendant care benefit in the amount that was being paid before the notice under that subsection was given.

(10) The determination by the designated assessment centre is binding on the insured person and the insurer in respect of the attendant care benefit, subject to the determination of a dispute in accordance with sections 279 to 283 of the Act.

(11) Despite subsections (7) and (8), if more than 104 weeks have elapsed since the accident, the insurer shall not require a designated assessment of the insured person and the insured person shall not submit an application to the insurer to increase the amount of the benefit unless at least 52 weeks have elapsed since the insured person was last assessed by a designated assessment centre.

(12) The insured person and the insurer may agree at any time that the insured person be assessed in accordance with section 43.

(13) If the insurer determines that, pursuant to subsection 18 (2), a person is not entitled to receive an attendant care benefit,

- (a) subsections (4), (7), (8) and (11) do not apply; and
- (b) if the insurer has been paying an attendant care benefit to the person, the insurer shall not stop payment of the benefit unless it gives the person notice of its determination, with reasons, at least 14 days before the last payment of the benefit.

19. Section 40 of the Regulation is amended by adding the following subsection:

(3.1) Despite clause 19 (2) (a), if an application under subsection (1) is made within 104 weeks after the accident and a designated assessment is required under this section, the insurer shall continue to pay the insured person the attendant care benefit in the amount that was being paid before the notice under clause (2) (c) or subsection (3) was given, pending receipt of the report from the designated assessment centre.

20. (1) Subsection 42 (1) of the Regulation is revoked and the following substituted:

(1) For the purpose of determining whether an insured person is entitled to a benefit for which an application is made, an insurer may give the insured person notice requiring the insured person to be examined by one or more persons specified by the insurer, each of whom is a member of a health profession or a person with expertise in vocational rehabilitation.

(1.1) Subsection (1) does not apply in respect of an application,

(a) for a benefit that is subject to section 37.1 or 37.2;

(b) for a funeral benefit or death benefit; or

(c) for a medical or rehabilitation benefit under section 14 or 15 unless the claim for the benefit is the subject of proceedings under sections 279 to 284 of the Act.

(2) Subsection 42 (2) of the Regulation is revoked and the following substituted:

(2) The notice shall state the reasons why the insurer requires the examination and shall specify a date for the examination that is at least five business days after the person receives the notice.

(3) Subsection 42 (4) of the Regulation is revoked and the following substituted:

(4) The insurer shall make reasonable efforts to schedule the examination for a time that is convenient for the insured person.

(4) Subsection 42 (7) of the Regulation is amended by striking out “seven days” and substituting “five business days”.

(5) Clauses 42 (8) (a) and (b) of the Regulation are revoked and the following substituted:

(a) the insurer may stop payment of the benefit related to the examination until the person submits to the examination or complies with subsection (5); and

(b) no benefit is payable for the period after the person has failed to attend the examination or failed to comply with subsection (5) and before the insured person submits to an examination under subsection (1) and complies with subsection (5).

(6) Section 42 is amended by adding the following subsections:

(9) If a person subsequently submits to an examination under subsection (1) or complies with subsection (5), the insurer,

(a) shall resume payment of the benefit; and

(b) shall pay all amounts that were withheld during the period of non-compliance, if the insured person provides a reasonable explanation for not attending the examination or not complying with subsection (5).

(10) No person who is member of a health profession or who has expertise in vocational rehabilitation shall examine an insured person on behalf of an insurer for the purposes of determining whether an insured person is entitled to a benefit except in accordance with this section.

21. The heading before section 43 and section 43 of the Regulation are revoked and the following substituted:

DESIGNATED ASSESSMENTS

43. (1) The following rules apply if a designated assessment is required under this Regulation:

1. The insurer shall notify the designated assessment centre within five business days.

2. The insured person and the insurer shall provide the person or persons who will conduct the designated assessment with such information as is reasonably necessary, within the same period of five business days referred to in paragraph 1.

3. The designated assessment centre shall promptly notify the insured person and arrange for the designated assessment.

4. The insured person shall submit to all reasonable physical, psychological, mental and functional examinations requested by the person or persons who conduct the designated assessment.

(2) The following rules apply if an insured person does not submit to a designated assessment arranged under subsection (1) or fails to comply with paragraph 2 or 4 of subsection (1):

1. The insurer may stop payment of the benefit related to the designated assessment until the insured person submits to the designated assessment and complies with paragraphs 2 and 4 of subsection (1).

under subsection (1) and complies with paragraphs 2 and 4 of subsection (1).

(3) If an insured person subsequently submits to a designated assessment and is in compliance with paragraphs 2 and 4 of subsection (1), the insurer,

- (a) shall resume payment of the benefit; and
- (b) shall pay all amounts that were withheld during the period of non-compliance, if the insured person provides a reasonable explanation for not submitting to the designated assessment or not complying with paragraph 2 or 4 of subsection (1), as the case may be.

(4) After conducting the designated assessment, the person or persons who conducted the designated assessment shall prepare a report and provide a copy of the report to,

- (a) the insurer;
- (b) the insured person; and
- (c) the insured person's health practitioner.

(5) Subject to subsection (11), the designated assessment centre shall deliver the report within 14 days after the completion of the designated assessment.

(6) If the designated assessment is required under section 37 in respect of a claim for an income replacement, non-earner or caregiver benefit, the report of the designated assessment shall include a statement as to whether the insured person continues to have a disability that entitles the insured person to continue to receive the benefit.

(7) If the designated assessment is required under section 37.2, the report of the designated assessment shall state whether the ancillary goods and services claimed in the treatment confirmation form are reasonable and necessary.

(8) If the designated assessment is required under section 38, the report of the designated assessment shall,

- (a) state whether the goods or services to be provided under the treatment plan are reasonable and necessary and shall include recommendations relating to the future provision of goods and services to the insured person for his or her treatment and rehabilitation, if the purpose of the designated assessment is to determine if the goods and services are reasonable and necessary; and
- (b) state whether the impairment comes within a *Pre-approved Framework Guideline*, if the purpose of the designated assessment is to determine if the insured person has an impairment to which a *Pre-approved Framework Guideline* applies.

(9) In the case of a designated assessment described in clause (8) (b), the report of the designated assessment centre shall also state whether the goods or services to be provided under the treatment plan are reasonable and necessary and shall include recommendations relating to the future provision of goods and services to the insured person for his or her treatment and rehabilitation, if the report states that the impairment does not come within a *Pre-approved Framework Guideline*.

(10) If the designated assessment is required under section 38.2, the report of the designated assessment shall state whether an expense in respect of an assessment or examination is payable under section 24.

(11) Despite subsection 53 (9), if the designated assessment is conducted to determine whether there are medical or rehabilitation benefits payable otherwise than under a *Pre-approved Framework Guideline* or the designated assessment is required under section 38.2, the designated assessment centre shall deliver its report to the insured person and the insurer within five business days after the later of,

- (a) the day it receives the information required to be provided under paragraph 2 of subsection (1); or
- (b) the day any conflict of interest disclosed by the designated assessment centre under section 53 in respect of the designated assessment is resolved under that section.

(12) If an insurer fails to give a notice required under subsection (1) in accordance with that subsection, the insurer shall pay for the goods and services that are the subject of the designated assessment and that relate to the period commencing on the day the insurer was required to give the notice and ending on the day the insurer gives the notice.

(13) If the designated assessment is required under section 39 in respect of a claim for an attendant care benefit, the report shall include,

- (a) an assessment of attendant care needs in Form 1; and
- (b) recommendations on the future provision of attendant care services to the insured person.

(14) If the designated assessment is required under section 40 to determine whether an impairment is a catastrophic impairment, the report shall include a statement of whether, in the opinion of the person or persons who conducted the designated assessment, the impairment is a catastrophic impairment.

22. Subsection 47 (1) of the Regulation is amended by striking out “or” at the end of clause (b) and by adding the following clauses:

- (d) if subsection 37 (4) applies, any income replacement benefit, non-earner or caregiver benefit that is paid for the period after the insurer gives notice under subsection 37 (1) and before the date of the report of the designated assessment centre referred to in subsection 37 (4); or
- (e) fees paid by the insurer under paragraph 2 of subsection 24 (1), if the insured person fails, without a reasonable explanation, to attend a designated assessment that has been arranged, or cancels a designated assessment without providing such notice as may be specified in the *Pre-assessment Cancellation Fee Schedule* established by the committee referred to in section 52, as it may be amended from time to time, that he or she will not be attending the designated assessment.

23. Section 49 of the Regulation is revoked and the following substituted:

49. If an insurer refuses to pay a benefit under this Regulation or reduces the amount of a benefit that a person is receiving under this Regulation, the insurer shall provide the person with a written notice concerning the person’s right to dispute.

24. Section 50 of the Regulation is revoked and the following substituted:

50. (1) An insured person shall not commence a mediation proceeding under section 280 of the Act unless,

- (a) the insured person notified the insurer of the circumstances giving rise to a claim for a benefit and submitted an application for the benefit within the times prescribed by this Part;
- (b) the insured person made himself or herself reasonably available for any examination required by the insurer under section 42, other than in relation to a medical or rehabilitation benefit under section 14 or 15; and
- (c) the insured person has undergone any required designated assessment under section 43 and has complied with that section in respect of the designated assessment.

(2) Despite clause (1) (b), an insured person who does not attend an examination that has been scheduled shall not be considered to have made himself or herself reasonably available for the examination unless, before applying for mediation, the person attends a rescheduled appointment for the examination, if required by the insurer.

25. The Regulation is amended by adding the following sections:

52.1 The committee referred to in section 52 may suspend, revoke or modify a designation under section 52, subject to such terms and conditions as the committee specifies.

52.2 (1) When required by the committee referred to in section 52, every designated assessment centre shall provide the Superintendent with such information respecting the performance of its functions as the committee may require.

(2) Information required under subsection (1) shall be provided at such times and in such manner as the committee may determine and direct.

(3) The Superintendent shall review the information compiled under subsection (1) and may take such action in respect of the information as the Superintendent considers appropriate.

(4) If a designated assessment centre fails to comply with a request for information under subsection (1), the Superintendent may report the deficiency to the committee referred to in section 52.

26. The heading before section 53 and section 53 of the Regulation are revoked and the following substituted:

DESIGNATED ASSESSMENT CENTRES

53. (1) A designated assessment shall be conducted by the designated assessment centre nearest to the insured person’s residence that,

- (a) is authorized to assess impairments of the type sustained by the insured person; and
- (b) is authorized to conduct the type of designated assessment that is required.

(2) Before conducting a designated assessment, a designated assessment centre shall give the insurer and the insured person written notice disclosing any conflict of interest that the centre has relating to the designated assessment.

(3) The designated assessment centre shall give any notice required under subsection (2) in respect of a designated assessment described in subsection 43 (11) within three business days after receipt of the request for the designated assessment.

(4) If a conflict of interest is disclosed under subsection (2),

- (a) the designated assessment centre shall conduct the designated assessment if the insurer and the insured person agree; or

- (i) is authorized to assess impairments of the type sustained by the insured person, and
- (ii) is authorized to conduct the type of designated assessment that is required.

(5) For the purposes of clause (4) (b), the insurer and the insured person shall be deemed not to agree in the case of a designated assessment described in subsection 43 (11) unless they agree by the end of the third business day after the day the insurer receives the notice under subsection (2) or the insured person receives the notice under subsection (2), whichever day is later.

(6) If the designated assessment centre determined in accordance with subsection (1) or clause (4) (b) is more than 100 kilometres from the insured person's residence, the insurer and the insured person shall endeavour to agree on one or more persons, at least one of whom is a health practitioner, who will conduct the designated assessment.

(7) If the insurer and the insured person cannot agree under subsection (6), the insured person shall be assessed at the designated assessment centre determined in accordance with subsection (1) or clause (4) (b), as the case may be.

(8) Subsections (6) and (7) do not apply to a designated assessment required under section 39 or 40 or to a designated assessment described in subsection 43 (11).

(9) Except as otherwise required under subsection 43 (11), a designated assessment centre must begin a designated assessment within 14 days after receiving a request for the designated assessment.

(10) If a designated assessment centre is unable to begin a designated assessment within 14 days after receiving the request for the assessment, the insured person or the insurer may require that, subject to subsection (2), the designated assessment be conducted by the designated assessment centre next nearest to the insured person's residence that,

- (a) is authorized to assess impairments of the type sustained by the insured person; and
- (b) is authorized to conduct the type of designated assessment that is required.

(11) For the purpose of this section, a designated assessment centre has a conflict of interest relating to a designated assessment if,

- (a) the insurer, the insured person or a lawyer or other representative acting on behalf of the insurer or the insured person has a financial interest in the designated assessment centre; or
- (b) the designated assessment centre, a related person, an assessor or consultant who will carry out all or part of the designated assessment or a facility owned or controlled, directly or indirectly, in whole or in part, by the centre or a related person,
 - (i) has provided goods or services to the person to be assessed, other than a previous designated assessment,
 - (ii) prepared or approved a treatment confirmation form under section 37.1, a treatment plan under section 38 or an application for approval of an assessment or examination under section 38.2 for the person to be assessed, or
 - (iii) is identified by a treatment confirmation form, treatment plan or an application for approval of an assessment or examination as a person who will provide goods or services to the person to be assessed.

(12) In clause (11) (b),

"related person" means, in respect of a designated assessment centre, an owner, partner or another person who has a financial interest in the designated assessment centre, but does not include a person who has a financial interest in the designated assessment centre by reason only of being a creditor who deals at arm's length with the designated assessment centre.

27. The heading before section 54 is revoked.

28. Subsections 55 (4) and (5) of the Regulation are revoked and the following substituted:

(4) If an insured person does not comply with subsection (1), the insurer may notify the insured person that the insurer intends to stop payment of the benefit in accordance with subsection (5).

(5) If at least 14 days have elapsed after a notice was given under subsection (4) and the insured person has not complied with subsection (1), the insurer may stop payment of the benefit.

(6) Section 37 does not apply in respect of a stoppage of benefits, or proposed stoppage of benefits, under this section.

(7) If, after the stoppage of benefits under subsection (5), the insured person subsequently complies with subsection (1), the insurer shall resume payment of the benefit in respect of periods after the insured person complied.

29. Subsections 56 (3), (4) and (5) of the Regulation are revoked and the following substituted:

(3) If an insured person does not comply with subsection (1), the insurer may notify the insured person that the insurer intends to stop payment of the benefit in accordance with subsection (4).

(4) If at least 14 days have elapsed after a notice is given under subsection (3) and the insured person is not in compliance with subsection (1), the insurer may stop payment of the benefit.

(5) Section 37 does not apply in respect of a stoppage of benefits, or proposed stoppage of benefits, under this section.

(6) If, after the stoppage of benefits under subsection (4), the insured person subsequently complies with subsection (1), the insurer shall resume payment of the benefit in respect of periods after the insured person complied.

30. (1) Subsection 59 (2) of the Regulation is amended by striking out “section 10 of the *Workers’ Compensation Act*” and substituting “section 30 of the *Workplace Safety and Insurance Act, 1997*.”

(2) Subsection 59 (3) of the Regulation is amended by striking out “section 10 of the *Workers’ Compensation Act*” and substituting “section 30 of the *Workplace Safety and Insurance Act, 1997*.”

(3) Subsection 59 (4) of the Regulation is amended by striking out “section 10 of the *Workers’ Compensation Act*” and substituting “section 30 of the *Workplace Safety and Insurance Act, 1997*.”

31. Clauses (a), (b) and (g) of the definition of “temporary disability benefit” in subsection 60 (3) of the Regulation are revoked and the following substituted:

(a) an income replacement or non-earner benefit paid under this Regulation, unless the benefit is paid more than 104 weeks after the onset of the disability,

(b) a caregiver benefit paid under this Regulation,

.

(g) benefits paid under section 37, subsection 43 (9) or subsection 147 (2) of the pre-1997 Act, as defined in Part IX of the *Workplace Safety and Insurance Act, 1997*, in respect of injuries that occurred before January 1, 1998, including benefits paid under those provisions as those provisions are deemed to have been amended by Part IX of the *Workplace Safety and Insurance Act, 1997*,

(g.1) benefits paid under subsection 43 (3) of the *Workplace Safety and Insurance Act, 1997* in respect of injuries that occurred after December 31, 1997, or

32. (1) Subsection 65 (1) of the Regulation is revoked and the following substituted:

(1) The assignment of a benefit under this Regulation, or the assignment of the right to pursue a mediation, arbitration, appeal or variation proceeding under sections 280 to 284 of the Act, is void.

(2) Clause 65 (2) (b) of the Regulation is revoked and the following substituted:

(b) an assignment of a benefit to,

(i) the Ministry of Community, Family and Children’s Services,

(ii) a delivery agent under the *Ontario Disability Support Program Act, 1997* or the *Ontario Works Act, 1997*, or

(iii) The Minister of Finance under subsection 6.1 (4) of the *Motor Vehicle Accident Claims Act*; or

33. Section 68 of the Regulation is revoked and the following substituted:

NOTICES AND DELIVERY

68. (1) All notices required or permitted under this Regulation, other than a notice under subsection 24 (1.3), 32 (1) or (3.1) or paragraph 3 of subsection 43 (1), shall be in writing.

(2) Any document, including a notice in writing, required or permitted under this Regulation to be given to a person may be delivered,

(a) by faxing the document to the person or to the solicitor or authorized representative, if any, of the person in accordance with subsection (6);

(b) by leaving a copy of the document with the solicitor or authorized representative, if any, of the person, or with an employee in the office of the solicitor or authorized representative;

(c) by personal delivery to the person; or

(d) by letter mail, certified mail or registered mail,

(i) in the case of an insurer, addressed to the insurer or its chief executive officer at the insurer’s head office in Ontario as identified in the records of the Superintendent, or

(ii) in the case of a person other than an insurer, addressed to the person at his or her last known address.

(3) Despite clause (2) (d), any notice or other document that must be given within five or fewer business days shall not be delivered by letter mail, certified mail or registered mail.

- (a) leaving a copy, in a sealed envelope addressed to the person, at the person's place of residence with anyone who appears to be an adult member of the same household; and
- (b) mailing, on the same or the following day, another copy of the document to the person, addressed to his or her place of residence.
- (5) In the absence of evidence to the contrary, a person is deemed to receive anything delivered by letter mail, certified mail or registered mail under clause (2) (d) or delivered to his or her place of residence under subsection (4) on the fifth business day after the day the document is mailed in accordance with clause (2) (d) or subsection (4).
- (6) A document that is delivered by fax must include a cover page indicating,
- the sender's name, address and telephone number;
 - the name of the person for whom the document is intended;
 - the date of the accident to which the document relates;
 - the name, address and telephone number of the person to whom the document relates;
 - the date and time the fax is sent;
 - the total number of pages faxed, including the cover page;
 - the telephone number from which the document is faxed; and
 - the name and telephone number of a person to contact in the event of transmission problems with the fax.
- (7) A document delivered in accordance with clause (2) (a), (b) or (c) after 5 p.m. local time of the recipient shall be deemed to be delivered on the next business day.
- (8) Despite subclause (2) (d) (i) and subsections (5) and (7), if the insurer provides the name and address of a contact person to whom documents are to be delivered, anything delivered to the insurer that is not addressed to the attention of the contact person at that address shall not be considered to have been delivered to the insurer until it is received by the contact person.
- (9) A reference in this Regulation to a number of days between two events shall be read as excluding the day on which the first event happens and including the day on which the second event happens.
- (10) Subject to subsection (11), if any provision of this Regulation requires a person to do anything within a time period expressed in days or business days, the time period is deemed to expire on the last day of the time period at 5 p.m. local time.
- (11) If a time period in which a person is required to do anything expires on a day that is not a business day, the time period is deemed to expire on the next day that is a business day at 5 p.m. local time.
- (12) For the purposes of subsections (10) and (11), if the person delivering a document or notice and the person to whom the document or notice is to be delivered are in different time zones, references to 5 p.m. local time shall be read as references to the time when it is 5 p.m. in one time zone and after 5 p.m. in the other time zone.

34. Section 69 of the Regulation is revoked and the following substituted:

69. Each of the following documents shall be in a form approved by the Superintendent:

1. An application form referred to in clause 32 (2) (a).
2. A certificate required under section 34.
3. A notice under section 36.
4. A notice under subsection 37 (1).
5. A treatment confirmation form under section 37.1.
6. An application referred to in section 38, including the treatment plan.
7. An application under section 38.2.
8. An application under subsection 40 (1).
9. A notice under subsection 40 (2).
10. A report of a designated assessment.
11. An explanation under section 45.
12. A notice under section 49.

35. The Regulation is amended by adding the following section:

70.1 Form 1, as it read on September 30, 2003, continues to apply in respect of accidents occurring before October 1, 2003.

36. Form 1 is revoked and the following substituted:

Form 1
ASSESSMENT OF ATTENDANT CARE NEEDS

Insurance Act

Return this form to:

**Assessment of Attendant
Care Needs
(Form 1)**

Policy No.

Claim No.

Use this form to report the future needs for attendant care required by the applicant as a result of an automobile accident that occurs on or after October 1, 2003. This form must be completed by a member of a health profession who is authorized by law to treat the person's impairment (in this form referred to as a regulated health professional). This form has five parts:

- Part 1: Level 1 Attendant Care
- Part 2: Level 2 Attendant Care
- Part 3: Level 3 Attendant Care
- Part 4: Calculation of Attendant Care Costs
- Part 5: Signature of Assessor(s)

Please complete all relevant parts. You will have to make copies and give one to:

- the applicant
- the applicant's health practitioner
- the applicant's insurance company

Please note: Users of Form 1 should also review other accident benefits available under the Statutory Accident Benefits Schedule for possible reimbursement of other losses and expenses (such as housekeeping and home maintenance, transportation, home modifications and other medical and rehabilitation expenses).

Applicant's Name

Applicant's Name		Date of Birth
Street Address		Date of Accident
City	Province	Postal Code
Name of Policyholder (if different than above)		Policy No.

What is the date of this assessment?

Is this the first assessment of this applicant?

Yes ☐

No ☐

Date of Last Assessment

Current Monthly Allowance

**Applicant's Health
Practitioner**

Name of Health Practitioner		Telephone No.
Facility or Institution		
Street Address		
City	Province	Postal Code

**Insurance
Company**

Name		Telephone No.
Street Address		
City	Province	Postal Code
Name of Policyholder		Policy No.

Form 1 (09/03)
Page 1 of 7

**Part 1:
Level 1
Attendant Care**

Level 1 attendant care is for routine personal care. Please assess the care requirements of the applicant for each activity listed. Estimate the time it takes to perform each activity, and the number of times each week it should be performed. Multiply the number of minutes by the number of times each week the activity should be performed to get the total number of minutes per week for each activity.

		Number of Minutes X	Times per week X	Total minutes per week
Dress	Upper Body (for example, underwear, shirt/blouse, sweater, tie, jacket, gloves, jewelry)			
	Lower Body (for example, underwear, disposable briefs, skirt/pants, socks, panty hose, slippers, shoes)			
	Subtotal			
Undress	Upper Body (for example, underwear, shirt/blouse, sweater, tie, jacket, gloves, jewelry)			
	Lower Body (for example, underwear, disposable briefs, skirt/pants, socks, panty hose, slippers, shoes)			
	Subtotal			
Prosthetics	applies upper/lower limb prosthesis and stump sock(s)			
	exchanges terminal devices and adjusts prosthesis as required			
	ensures prosthesis is properly maintained and in good working condition			
	Subtotal			
Orthotics	assists dressing applicant using prescribed orthotics (for example, burn garment(s), brace(s), supports, splints, elastic stockings)			
	Subtotal			
Grooming	Face: wash, rinse, dry, morning and evening			
	Hands: wash, rinse, dry, morning and evening, before and after meals, and after elimination			
	Shaving: shaves applicant using an electric/safety razor			
	Cosmetics: applies makeup as desired or required			
	Hair:			
	brushes/combs as required			
	shampoos, blow/towel dries			
	performs styling, set and comb-out			
	Fingernails: cleans and manicures as required			
	Toenails: cleans and trims as required			
	Subtotal			

Part 1 continued ...

		Number of Minutes X	Times per week =	Total minutes per week
Feeding	prepares applicant for meals (includes transfer to appropriate location)			
	provides assistance, either in whole or in part, in preparing, serving and feeding meals			
	Subtotal			
Mobility (location change)	assists applicant from a sitting position (for example, wheelchair, chair, sofa)			
	supervises/assists in walking			
	performs transfer needs as required (for example, bed to wheelchair, wheelchair to bed)			
	Subtotal			
Extra Laundering	launders applicant's bedding and clothing as a result of incontinence/spillage			
	launders/cleans orthotic supplies that require special care			
	Subtotal			

Part 1 Total — Add all Part 1 Subtotals. Fill in total here and in Part 4 on Page 7.

Part 2:
Level 2
Attendant Care

Level 2 Attendant Care is for basic supervisory functions. Please assess the care requirements of the applicant for each activity listed. Estimate the time it takes to perform each activity, and the number of times each week it should be performed. Multiply the number of minutes by the number of times each week the activity should be performed to get the total number of minutes per week for each activity.

		Number of Minutes X	Times per week =	Total minutes per week
Hygiene	Bathroom			
	cleans tub/shower/sink/toilet after applicant's use			
	Bedroom			
	changes applicant's bedding, makes bed, cleans bedroom, including Hoyer lifts, overhead bars, bedside tables			
	ensures comfort, safety and security in this environment			
	Clothing Care			
	assists in preparing daily wearing apparel			
	hangs clothes and sorts clothing to be laundered/cleaned			
	Subtotal			

Part 2 continued...

Basic Supervisory Care

	Number of Minutes X	Times per week =	Total minutes per week
applicant lacks the capacity to reattach tubing if it becomes detached from the trachea			
applicant requires assistance to transfer from wheelchair, periodic turning, genitourinary care			
applicant lacks the ability to independently get in and out of a wheelchair or to be self-sufficient in an emergency			
applicant lacks ability to respond to an emergency or needs custodial care due to changes in behaviour			
Subtotal			

Co-ordination of Attendant Care

	Number of Minutes X	Times per week =	Total minutes per week
applicant requires assistance in co-ordinating/scheduling attendant care (maximum 1 hour per week)			
Subtotal			

Part 2 Total — Add all Part 2 Subtotals. Fill in total here and in Part 4 on Page 7.

Part 3:
Level 3
Attendant Care

Level 3 attendant care is for complex health/care and hygiene functions. Please assess the care requirements of the applicant for each activity listed. Estimate the time it takes to perform each activity, and the number of times each week it should be performed. Multiply the number of minutes by the number of times each week the activity should be performed to get the total number of minutes per week for each activity.

		Number of Minutes X	Times per week =	Total minutes per week
Genitourinary Tracts	performs catheterizations			
	positions, empties and cleans drainage systems			
	cleans applicant and equipment after procedure/incontinence			
	uses disposable briefs as required			
	attends to menstrual cycle needs as required			
	monitors residuals			
	Subtotal			
Bowel Care	administers enemas or suppositories and performs stimulation or disimpaction			
	performs colostomy and/or ileostomy care			
	positions, empties and cleans drainage systems, including ilio-conduits			
	uses disposable briefs as required			
	cleans applicant and equipment after procedure/evacuation			
	Subtotal			
Tracheostomy Care	changes and cleans inner and outer cannulae as needed			
	changes tapes as required			
	performs suctioning as required			
	cleans and maintains suction equipment			
	Subtotal			
Ventilator Care	ensures volume rate and pressure are maintained as prescribed			
	maintains humidification as specified			
	changes and cleans tubing and filters as required			
	cleans humidification system as required			
	adjusts settings according to applicant needs (for example, colds, congestion)			
	Subtotal			
Exercise	assists applicant with prescribed exercise/stretching program			
	assists applicant with walking activities using crutches, canes, braces and/or walker			
	Subtotal			

Part 3 continued ...

	Number of Minutes X	Times per week =	Total minutes per week
Skin Care (excluding bathing)			
attends to skin care needs – wounds, sores, eruptions, (amputees, severe burns, spinal cord injuries, etc.)			
applies medication and prescribed dressings			
applies creams, lotions, pastes, ointments, powders as prescribed or required			
checks body area(s) for evidence of pressure sores, skin breakdown or eruptions			
periodic turning to prevent or minimize pressure sores and skin breakdown/shearing			
Subtotal			
Medication			
Oral			
administers prescribed medications			
monitors medication intake and effect			
maintains and controls medication supply			
Injections			
administers prescribed medications			
monitors medication intake and effect			
maintains and controls medication supply			
Inhalation/Oxygen Therapy			
administers prescribed dosage as required			
maintains and controls inhalation supplies			
cleans and maintains equipment			
Subtotal			
Bathing			
Bathtub or Shower			
transfers applicant to and from bed, wheelchair or Hoyer lifts to bathtub or shower			
bathes and dries applicant			
applies creams, lotions, pastes, ointments, powders as prescribed or required			
Bed Bath			
prepares equipment			
bathes and dries applicant			
applies creams, lotions, pastes, ointments, powders as prescribed or required			
cleans and maintains bed/bath equipment			
Oral Hygiene			
brushes and flosses			
cleanses mouth as required			
cleans dentures as required			
Subtotal			

Part 3 continued ...

	Number of Minutes X	Time per week	Total minutes per week
Other Therapy			
Transcutaneous Electrical Nerve Stimulation (TENS)			
prepares equipment			
administers treatment as prescribed or required			
Dorsal Column Stimulation (DCS)			
monitors skin			
maintains equipment			
Subtotal			
Maintenance of Supplies and Equipment			
monitors, orders and maintains required supplies/equipment			
ensures wheelchairs, prosthetic devices, Hoyer lifts, shower commodes and other specialized medical equipment and assistive devices are safe and secure			
Subtotal			
Skilled Supervisory Care			
applicant requires skilled supervisory care for violent behaviour that may result in physical harm to themselves or others			
Subtotal			
Part 3 Total – Add all Part 3 Subtotals. Fill in total here and below.			

**Part 4:
Calculation of
Attendant Care
Costs**

This part must be completed by the assessor. Calculate the monthly attendant care allowance for Part 1, 2 and 3. The sum of all three parts will be the Total Assessed Monthly Attendant Care Benefit.

	Total Minutes per Week		Total Weekly Hours		Total Monthly Hours		Hourly Rate		Monthly Care Benefit
Part 1 (from Pg. 3)	+ 60 =		x 4.3 =		x	\$10.53	=	\$	
Part 2 (from Pg. 4)	+ 60 =		x 4.3 =		x	\$ 7.00	=	\$	
Part 3 (from Pg. 7)	+ 60 =		x 4.3 =		x	\$16.86	=	\$	
Total Assessed Monthly Attendant Care Benefit									\$
(This amount is subject to the limits allowed under the Statutory Accident Benefits Schedule)									

**Part 5:
Signature(s) of
Assessor(s)
(Regulated
Health
Professional(s))**

Name of Regulated Health Professional			Registration Number			You are a: <input type="checkbox"/> Chiropractor <input type="checkbox"/> Dentist <input type="checkbox"/> Massage Therapist <input type="checkbox"/> Nurse <input type="checkbox"/> Occupational Therapist <input type="checkbox"/> Optometrist <input type="checkbox"/> Physician <input type="checkbox"/> Physiotherapist <input type="checkbox"/> Psychologist <input type="checkbox"/> Speech Language Pathologist <input type="checkbox"/> Other _____
Facility Name (if applicable)			AISI number (if applicable)			
Street Address						
City	Province	Postal Code				
Telephone Number	Extension	Fax Number				
Email Address						
I confirm that, to the best of my knowledge, the information in this form is accurate. I have obtained the appropriate consent from the applicant for the collection, use and disclosure of the information submitted.						
Signature of Regulated Health Professional					Date (YYYYMMDD)	

Form 1 (06/03)
Page 7 of 7

37. This Regulation comes into force on the later of October 1, 2003 and the day it is filed.

pris en application de la
LOI SUR LES ASSURANCES

pris le 25 juin 2003
déposé le 2 juillet 2003

modifiant le Règl. de l'Ont. 403/96

(Annexe sur les indemnités d'accidents légaux — Accidents survenus le 1^{er} novembre 1996 ou après ce jour)

Remarque : Le Règlement de l'Ontario 403/96 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements publiée dans la *Gazette de l'Ontario* du 18 janvier 2003.

1. (1) La définition de «déficience invalidante» au paragraphe 2 (1) du Règlement de l'Ontario 403/96 est abrogée.

(2) La définition de «praticien de la santé» au paragraphe 2 (1) du Règlement est modifiée par adjonction des alinéas suivants :

b.1) d'un ergothérapeute;

.

f) d'une infirmière autorisée ou d'un infirmier autorisé titulaire d'un certificat d'inscription supérieur;

g) d'un orthophoniste.

(3) Le paragraphe 2 (1) du Règlement est modifié par adjonction des définitions suivantes :

«directive» S'entend de ce qui suit :

a) une directive formulée par le surintendant aux termes du paragraphe 268.3 (1) de la Loi qui est publiée dans la *Gazette de l'Ontario*;

b) une directive relative à un cadre de traitement préapprouvé;

c) une directive concernant la tarification des services professionnels, la *Directive concernant les frais de transport* ou la *Directive concernant l'indexation optionnelle des indemnités*, publiées dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario ou la Commission des services financiers de l'Ontario;

d) une directive publiée dans la *Gazette de l'Ontario* qui est une version modifiée d'une directive visée à l'alinéa a), b) ou c). («*Guideline*»)

«directive relative à un cadre de traitement préapprouvé» Directive qui:

a) d'une part, est formulée par le surintendant aux termes du paragraphe 268.3 (1.1) de la Loi et publiée dans la *Gazette de l'Ontario*;

b) d'autre part, établit un cadre de traitement à l'égard d'une ou de plusieurs déficiences. («*Pre-approved Framework Guideline*»)

«ergothérapeute» Personne que la loi autorise à exercer l'ergothérapie. («*occupational therapist*»)

«évaluation désignée» Évaluation effectuée par un centre d'évaluation désigné, ou à l'égard de laquelle un tel centre a pris les dispositions nécessaires, aux termes de l'article 43. («*designated assessment*»)

«infirmière autorisée ou infirmier autorisé titulaire d'un certificat d'inscription supérieur» Personne que la loi autorise à exercer la profession d'infirmière ou d'infirmier et qui est titulaire d'un certificat d'inscription supérieur délivré en vertu de la *Loi de 1991 sur les infirmières et infirmiers*. («*registered nurse with an extended certificate of registration*»)

«jour ouvrable» Jour qui n'est :

a) ni un samedi;

b) ni un jour férié, au sens du paragraphe 29 (1) de la *Loi d'interprétation*, sauf le lundi de Pâques et le jour du Souvenir. («*business day*»)

«orthophoniste» Personne que la loi autorise à exercer l'orthophonie. («*speech-language pathologist*»)

(4) La définition de «plan de traitement» au paragraphe 2 (1) du Règlement est abrogée.

(5) L'article 2 du Règlement est modifié par adjonction des paragraphes suivants :

(1.1) Pour l'application du présent règlement, une déficience invalidante causée par un accident qui survient avant le 1^{er} octobre 2003 s'entend de l'un ou l'autre des états suivants :

- a) la paraplégie ou la quadriplégie;
- b) l'amputation des deux bras ou une autre déficience entraînant la perte totale et permanente de leur utilisation;
- c) l'amputation à la fois d'un bras et d'une jambe ou une autre déficience entraînant la perte totale et permanente de leur utilisation;
- d) la cécité complète;
- e) une déficience cérébrale qui, à l'égard d'un accident, se traduit :
 - (i) soit par un résultat de 9 ou moins selon la classification appelée «Glasgow Coma Scale», telle qu'elle figure dans l'ouvrage de B. Jennett et G. Teasdale intitulé *Management of Head Injuries*, Contemporary Neurology Series, volume 20, F.A. Davis Company, Philadelphia, 1981, d'après une épreuve administrée dans un délai raisonnable après l'accident par une personne formée à cette fin,
 - (ii) soit par un résultat de 2 (vegetative) ou 3 (severe disability) selon la classification appelée «Glasgow Outcome Scale», telle qu'elle figure dans l'article de B. Jennett et M. Bond intitulé *Assessment of Outcome After Severe Brain Damage*, Lancet i:480, 1975, d'après une épreuve administrée plus de six mois après l'accident par une personne formée à cette fin;
- f) sous réserve des paragraphes (2) et (3), toute déficience ou combinaison de déficiences qui, selon l'ouvrage de l'American Medical Association intitulé *Guides to the Evaluation of Permanent Impairment*, 4^e édition, 1993, se traduit par une déficience d'au moins 55 pour cent de l'organisme dans son ensemble;
- g) sous réserve des paragraphes (2) et (3), toute déficience qui, selon l'ouvrage de l'American Medical Association intitulé *Guides to the Evaluation of Permanent Impairment*, 4^e édition, 1993, se traduit par une déficience de catégorie 4 (marked impairment) ou de catégorie 5 (extreme impairment) causée par un trouble mental ou un trouble du comportement.

(1.2) Pour l'application du présent règlement, une déficience invalidante causée par un accident qui survient après le 30 septembre 2003 s'entend de l'un ou l'autre des états suivants :

- a) la paraplégie ou la quadriplégie;
- b) l'amputation des deux bras ou des deux jambes ou une autre déficience entraînant la perte totale et permanente de leur utilisation;
- c) l'amputation à la fois d'un ou des deux bras et d'une ou des deux jambes ou une autre déficience entraînant la perte totale et permanente de leur utilisation;
- d) la cécité complète;
- e) sous réserve du paragraphe (1.4), une déficience cérébrale qui, à l'égard d'un accident, se traduit :
 - (i) soit par un résultat de 9 ou moins selon la classification appelée «Glasgow Coma Scale», telle qu'elle figure dans l'ouvrage de B. Jennett et G. Teasdale intitulé *Management of Head Injuries*, Contemporary Neurology Series, volume 20, F.A. Davis Company, Philadelphia, 1981, d'après une épreuve administrée dans un délai raisonnable après l'accident par une personne formée à cette fin,
 - (ii) soit par un résultat de 2 (vegetative) ou 3 (severe disability) selon la classification appelée «Glasgow Outcome Scale», telle qu'elle figure dans l'article de B. Jennett et M. Bond intitulé *Assessment of Outcome After Severe Brain Damage*, Lancet i:480, 1975, d'après une épreuve administrée plus de six mois après l'accident par une personne formée à cette fin;
- f) sous réserve des paragraphes (1.4), (2.1) et (3), toute déficience ou combinaison de déficiences qui, selon l'ouvrage de l'American Medical Association intitulé *Guides to the Evaluation of Permanent Impairment*, 4^e édition, 1993, se traduit par une déficience d'au moins 55 pour cent de l'organisme dans son ensemble;
- g) sous réserve des paragraphes (1.4), (2.1) et (3), toute déficience qui, selon l'ouvrage de l'American Medical Association intitulé *Guides to the Evaluation of Permanent Impairment*, 4^e édition, 1993, se traduit par une déficience de catégorie 4 (marked impairment) ou de catégorie 5 (extreme impairment) causée par un trouble mental ou un trouble du comportement.

(1.3) Le paragraphe (1.4) s'applique si une personne assurée est âgée de moins de 16 ans au moment de l'accident et que ni la classification appelée «Glasgow Coma Scale», ni la classification appelée «Glasgow Outcome Scale» ni l'ouvrage de l'American Medical Association intitulé *Guides to the Evaluation of Permanent Impairment*, 4^e édition, 1993, visés à l'alinéa (1.2) e), f) ou g), ne peuvent s'appliquer en raison de l'âge de la personne assurée.

... que une déficience invalidante est réputée la déficience qui se rapproche le plus de celle visée à l'alinéa (1.2) e), f) ou g), compte tenu de ses répercussions sur le développement.

(6) Le paragraphe 2 (2) du Règlement est modifié par substitution de ce qui suit au passage qui précède l'alinéa a) :

(2) Les alinéas (1.1) f) et g) ne s'appliquent à l'égard de la personne assurée qui souffre d'une déficience à la suite d'un accident qui survient avant le 1^{er} octobre 2003 que si, selon le cas :

(7) L'article 2 du Règlement est modifié par adjonction du paragraphe suivant :

(2.1) Les alinéas (1.2) f) et g) ne s'appliquent à l'égard de la personne assurée qui souffre d'une déficience à la suite d'un accident qui survient après le 30 septembre 2003 que si, selon le cas :

- a) le praticien de la santé de la personne assurée déclare par écrit que l'état de celle-ci ne cessera vraisemblablement pas d'être une déficience invalidante;
- b) une période de deux ans s'est écoulée depuis l'accident.

(8) Le paragraphe 2 (3) du Règlement est modifié par substitution de «des alinéas (1.1) f) et g) et (1.2) f) et g),» à «des alinéas f) et g) de la définition de «déficience invalidante» au paragraphe (1),».

2. (1) Le paragraphe 7 (1) du Règlement est modifié par substitution de ce qui suit au passage qui précède la disposition 1 :

(1) Malgré les paragraphes 6 (1) et (5), mais sous réserve du paragraphe 6 (2), le montant hebdomadaire de l'indemnité de remplacement de revenu payable à une personne correspond au moindre des montants suivants :

(2) La disposition 1 du paragraphe 7 (1) du Règlement est modifiée par substitution de ce qui suit au passage qui précède la sous-disposition i :

1. Le montant calculé aux termes des paragraphes 6 (1) et (5), déduction faite des montants suivants :

(3) Le paragraphe 7 (2) du Règlement est modifié par substitution de ce qui suit au passage qui précède l'alinéa a) :

(2) Pour l'application de la disposition 1 du paragraphe (1), aucun des montants suivants ne doit être déduit du montant calculé aux termes des paragraphes 6 (1) et (5) :

3. Le paragraphe 14 (4) du Règlement est abrogé et remplacé par ce qui suit :

(4) L'assureur n'est pas tenu de verser une indemnité pour frais médicaux pour les frais liés aux services professionnels visés à l'alinéa (2) a), b) ou h) fournis à la personne assurée s'ils sont supérieurs au tarif ou au montant maximal de frais calculé suivant les directives applicables à la demande d'indemnité.

(4.1) Si les directives applicables à la demande d'indemnité fixent une fourchette de tarifs ou de montants pour les frais liés aux services professionnels fournis à la personne assurée :

- a) d'une part, le tarif ou le montant le plus élevé de la fourchette est réputé, pour l'application du paragraphe (4), le tarif ou le montant maximal calculé suivant les directives applicables à la demande;
- b) d'autre part, l'assureur qui est tenu de verser une indemnité pour frais médicaux pour les frais liés aux services visés à l'alinéa (2) a), b) ou h) ne doit pas verser un montant inférieur au montant ou au tarif le moins élevé de la fourchette, sauf si la demande de la personne assurée porte sur un montant ou un tarif moindre.

4. (1) L'alinéa 15 (5) k) du Règlement est abrogé et remplacé par ce qui suit :

- k) le transport aller-retour de la personne assurée aux fins de séances de consultation et de formation, y compris le transport d'un aide, le cas échéant;

(2) Le paragraphe 15 (6) du Règlement est abrogé et remplacé par ce qui suit :

(6) L'assureur n'est pas tenu de verser une indemnité de réadaptation pour les frais liés aux services professionnels visés à l'un ou l'autre des alinéas (5) a) à g) ou à l'alinéa (5) l) fournis à la personne assurée s'ils sont supérieurs au tarif ou au montant maximal de frais calculé suivant les directives applicables à la demande d'indemnité.

(6.1) Si les directives applicables à la demande d'indemnité fixent une fourchette de tarifs ou de montants pour les frais liés aux services professionnels fournis à la personne assurée :

- a) d'une part, le tarif ou le montant le plus élevé de la fourchette est réputé, pour l'application du paragraphe (6), le tarif ou le montant maximal calculé suivant les directives applicables à la demande;
- b) d'autre part, l'assureur qui est tenu de verser une indemnité de réadaptation pour les frais liés aux services visés à l'un ou l'autre des alinéas (5) a) à g) ou à l'alinéa (5) l) ne doit pas verser un montant inférieur au montant ou au tarif le moins élevé de la fourchette, sauf si la demande de la personne assurée porte sur un montant ou un tarif moindre.

(3) Le paragraphe 15 (12) du Règlement est modifié par substitution de «d'une séance de consultation ou de formation» à «d'une séance de consultation, d'une séance de formation ou d'une évaluation».

5. Le paragraphe 16 (5) du Règlement est abrogé et remplacé par ce qui suit :

(5) Le montant de l'indemnité de soins auxiliaires payable à l'égard de la personne assurée ne doit pas être supérieur à celui fixé conformément aux règles suivantes :

1. Si l'accident s'est produit avant le 1^{er} octobre 2003, le montant de l'indemnité de soins auxiliaires payable à l'égard de la personne assurée ne doit pas être supérieur :
 - i. à 3 000 \$ par mois, si elle ne souffre pas d'une déficience invalidante à la suite de l'accident,
 - ii. à 6 000 \$ par mois, si elle souffre d'une déficience invalidante à la suite de l'accident.
2. Si l'accident est survenu le 1^{er} octobre 2003 ou après cette date et que l'indemnité optionnelle pour frais médicaux, de réadaptation et de soins auxiliaires visée à l'article 27 n'a pas été souscrite et ne vise pas la personne assurée, le montant de l'indemnité de soins auxiliaires payable à son égard ne doit pas être supérieur :
 - i. à 3 000 \$ par mois, si elle ne souffre pas d'une déficience invalidante à la suite de l'accident,
 - ii. à 6 000 \$ par mois, si elle souffre d'une déficience invalidante à la suite de l'accident.
3. Si l'accident est survenu le 1^{er} octobre 2003 ou après cette date et que l'indemnité optionnelle pour frais médicaux, de réadaptation et de soins auxiliaires visée à l'article 27 a été souscrite et vise la personne assurée, le montant de l'indemnité de soins auxiliaires payable à son égard ne doit pas être supérieur au plafond mensuel fixé pour cette indemnité optionnelle.

6. L'article 17 du Règlement est abrogé et remplacé par ce qui suit :

17. (1) L'assureur paie tous les frais raisonnables et nécessaires engagés par la personne assurée ou pour son compte à la suite de l'accident pour les services fournis, conformément à un plan de traitement, par un gestionnaire de cas ayant les qualités requises :

- a) soit si elle souffre d'une déficience invalidante à la suite de l'accident;
- b) soit si l'accident est survenu le 1^{er} octobre 2003 ou après cette date et que l'indemnité optionnelle pour frais médicaux, de réadaptation et de soins auxiliaires visée à l'article 27 a été souscrite et la vise.

(2) L'assureur n'est pas tenu, aux termes du paragraphe (1), de payer les frais liés aux services professionnels fournis à la personne assurée s'ils sont supérieurs au tarif ou au montant maximal de frais calculé aux termes des directives applicables à la demande d'indemnité.

(3) Si les directives applicables à la demande d'indemnité fixent une fourchette de tarifs ou de montants pour les frais liés aux services professionnels fournis à la personne assurée :

- a) d'une part, le tarif ou le montant le plus élevé de la fourchette est réputé, pour l'application du paragraphe (2), le tarif ou le montant maximal calculé aux termes des directives applicables à la demande;
- b) d'autre part, l'assureur qui est tenu, aux termes du paragraphe (1), de payer les frais liés aux services fournis à la personne assurée ne doit pas verser un montant inférieur au montant ou au tarif le moins élevé de la fourchette, sauf si la demande de la personne assurée porte sur un montant ou un tarif moindre.

7. (1) Les paragraphes 24 (1) et (2) du Règlement sont abrogés et remplacés par ce qui suit :

(1) L'assureur paie les frais suivants engagés par la personne assurée ou pour son compte :

1. Les honoraires raisonnables exigés par les personnes suivantes :
 - i. un praticien de la santé qui prépare un certificat d'invalidité visé à l'article 34,
 - ii. un praticien de la santé qui examine et, le cas échéant, approuve un plan de traitement visé à l'article 38,
 - iii. un membre d'une profession de la santé qui prépare une demande d'approbation d'une évaluation ou d'un examen visée à l'article 38.2,
 - iv. un membre d'une profession de la santé qui prépare une évaluation des besoins en soins auxiliaires visée à l'article 39,

2. Les honoraires exigés à l'égard de ce qui suit :

- i. une évaluation désignée de la personne assurée,
 - ii. pour l'application de l'article 37.1, la préparation d'une formule de confirmation de traitement par un praticien de la santé conformément à une directive relative à un cadre de traitement préapprouvé,
 - iii. pour l'application de l'article 37.1, une évaluation ou un examen et la préparation d'un rapport par un membre d'une profession de la santé conformément à une directive relative à un cadre de traitement préapprouvé.
3. Les honoraires raisonnables, autres que ceux visés à la disposition 1 ou à la sous-disposition 2 iii, qu'exige un membre d'une profession de la santé pour procéder à une évaluation ou à un examen et pour préparer un rapport, si l'évaluation ou l'examen et le rapport sont raisonnablement nécessaires dans le cadre d'une demande d'indemnité ou de la préparation d'un plan de traitement, d'un certificat d'invalidité, d'une évaluation des besoins en soins auxiliaires selon la formule 1 ou d'une demande de détermination de l'existence d'une déficience invalidante et que, selon le cas :

i. l'évaluation ou l'examen et la préparation du rapport :

A. d'une part, ont trait à des biens ou à des services accessoires visés à l'article 37.2,

B. d'autre part, sont des services prévus par une formule de confirmation de traitement présentée conformément à l'article 37.1,

ii. la personne assurée demande l'approbation des frais dans le cadre d'un plan de traitement visé à l'article 38 ou présente une demande d'approbation d'une évaluation ou d'un examen visée à l'article 38.2.

(1.1) L'assureur n'est pas tenu de payer les frais visés à la sous-disposition 3 ii du paragraphe (1) qui sont engagés :

- a) soit avant d'avoir obtenu son approbation;
- b) soit avant qu'il ne soit procédé à une évaluation désignée et que le rapport de la ou des personnes qui y ont procédé ne soit remis à la personne assurée et à l'assureur, dans le cas où une demande d'approbation d'une évaluation ou d'un examen a été présentée en vertu de l'article 38.2 et refusée par l'assureur.

(1.2) Malgré le paragraphe (1.1), l'approbation préalable de l'assureur n'est pas exigée pour ce qui suit :

1. Une évaluation ou un examen effectué aux fins de la préparation d'un plan de traitement visé à l'article 38, dans des circonstances où un risque immédiat d'effets néfastes pour la personne assurée ou une personne dont elle assure les soins rend difficile l'obtention de l'approbation préalable de l'assureur.
2. Au plus trois évaluations ou examens effectués aux fins de la préparation d'un plan de traitement visé à l'article 38 si les conditions suivantes sont réunies :
 - i. la personne assurée n'a pas reçu de traitement suivant une directive relative à un cadre de traitement préapprouvé,
 - ii. le coût de chaque évaluation ou examen n'est pas supérieur à 180 \$,
 - iii. la même personne ne procède qu'à une seule évaluation ou à un seul examen.
3. Une seule évaluation ou un seul examen effectué aux fins de la préparation d'un plan de traitement visé à l'article 38 si les conditions suivantes sont réunies :
 - i. la personne assurée a reçu un traitement suivant une directive relative à un cadre de traitement préapprouvé,
 - ii. le coût de l'évaluation ou de l'examen n'est pas supérieur à 180 \$,
 - iii. la personne qui procède à l'évaluation ou à l'examen n'a pas fourni de biens ou de services à la personne assurée suivant une directive relative à un cadre de traitement préapprouvé à l'égard du même accident.
4. Une évaluation ou un examen effectué aux fins de la préparation d'un certificat d'invalidité visé à l'article 34, si le coût de l'évaluation ou de l'examen n'est pas supérieur à 180 \$.
5. Une évaluation ou un examen effectué aux fins de la préparation d'une évaluation des besoins en soins auxiliaires visée à l'article 39, mais non une évaluation ou un examen se rapportant à une déficience visée dans une directive relative à un cadre de traitement préapprouvé, à moins que celle-ci n'indique expressément que l'approbation préalable de l'assureur n'est pas exigée pour l'évaluation ou l'examen.
6. Une évaluation ou un examen effectué afin de déterminer si la personne assurée souffre d'une déficience invalidante, si elle est hospitalisée ou réside dans un établissement de soins prolongés lors de l'évaluation ou de l'examen.

7. Une évaluation ou un examen effectué après que l'assureur avise la personne assurée qu'il n'exige pas, avant l'évaluation ou l'examen, que lui soit présenté un plan de traitement visé à l'article 38 ou une demande d'approbation d'une évaluation ou d'un examen visée à l'article 38.2.
8. Une évaluation ou un examen effectué suivant les dispositions d'une directive qui l'autorise sans l'approbation préalable de l'assureur.

(1.3) Si l'approbation de l'assureur est exigée et est demandée à l'égard d'une évaluation ou d'un examen auquel il doit être procédé aux fins de la préparation d'un plan de traitement, il donne un avis indiquant s'il a ou non l'intention d'accepter de payer pour l'évaluation ou l'examen :

- a) au plus tard deux jours ouvrables après avoir reçu la demande, si le montant exigé pour l'évaluation n'est pas supérieur à 180 \$;
- b) au plus tard cinq jours ouvrables après avoir reçu la demande, si le montant exigé est supérieur à 180 \$.

(1.4) L'avis exigé au paragraphe (1.3) peut être donné oralement à la personne assurée, au membre de la profession de la santé qui a l'intention de procéder à l'évaluation ou à l'examen ou aux deux si, dès que possible par la suite, il est confirmé par écrit à la personne assurée et, s'il a été donné oralement au membre de la profession de la santé, à ce dernier également.

(1.5) L'assureur qui ne fournit pas l'avis exigé au paragraphe (1.3) dans le délai prévu à ce paragraphe est réputé avoir accepté de payer pour l'évaluation ou l'examen.

(1.6) Sous réserve du paragraphe (4), l'assureur paie les frais de transport raisonnables engagés par la personne assurée ou pour son compte pour le transport aller-retour de celle-ci aux fins d'une évaluation ou d'un examen visé au paragraphe (1), y compris les frais de transport d'un aide, le cas échéant.

(2) L'assureur n'est pas tenu, aux termes du paragraphe (1), de payer les frais liés à des services professionnels fournis à la personne assurée s'ils sont supérieurs au tarif ou au montant maximal de frais calculé suivant les directives applicables à la demande d'indemnité.

(2.1) Si les directives applicables à la demande d'indemnité fixent une fourchette de tarifs ou de montants pour les frais liés aux services professionnels fournis à la personne assurée :

- a) d'une part, le tarif ou le montant le plus élevé de la fourchette est réputé, pour l'application du paragraphe (2), le tarif ou le montant maximal calculé suivant les directives applicables à la demande;
- b) d'autre part, l'assureur qui est tenu de payer les frais liés aux services fournis à la personne assurée ne doit pas verser un montant inférieur au montant ou au tarif le moins élevé de la fourchette, sauf si la demande de la personne assurée porte sur un montant ou un tarif moindre.

(2) Le paragraphe 24 (3) du Règlement est modifié par substitution de «du paragraphe (1.6)» à «de l'alinéa (1) c)».

(3) Le paragraphe 24 (4) du Règlement est modifié par substitution de «du paragraphe (1.6)» à «de l'alinéa (1) c)».

(4) L'article 24 du Règlement est modifié par adjonction du paragraphe suivant :

(5) L'évaluation des aptitudes professionnelles visée à l'alinéa 15 (5) f) n'est pas une évaluation pour l'application du présent article.

8. (1) La disposition 3 du paragraphe 25 (2) du Règlement est abrogée et remplacée par ce qui suit :

3. Si aucun paiement n'est exigé par la disposition 1, un paiement supplémentaire fait aux personnes à la charge de la personne assurée et aux personnes, autres qu'un ancien conjoint ou partenaire de même sexe de la personne assurée, auxquelles elle était tenue, au moment de l'accident, de fournir des aliments aux termes d'un contrat familial ou d'une ordonnance judiciaire, ce paiement supplémentaire devant être divisé en parts égales entre les personnes qui y ont droit et s'élevant à 25 000 \$ si l'accident est survenu avant le 1^{er} octobre 2003 ou, s'il est survenu ce jour-là ou par la suite :
 - i. soit à 25 000 \$,
 - ii. soit au montant que fixe l'indemnité optionnelle en cas de décès et pour frais funéraires visée à l'article 27, s'il en a été souscrit une et qu'elle vise la personne assurée.

(2) L'article 25 du Règlement est modifié par adjonction du paragraphe suivant :

(4.1) Si, au moment de l'accident, la personne assurée était à la charge de plusieurs personnes qui ont droit à un paiement visé au présent article, le paiement est divisé en parts égales entre ces personnes.

9. (1) La disposition 4 du paragraphe 27 (1) du Règlement est abrogée et remplacée par ce qui suit :

4. Une indemnité optionnelle en cas de décès et pour frais funéraires qui :
 - i. fixe le montant payable aux termes de la disposition 1 du paragraphe 25 (2) à 50 000 \$, au lieu du montant précisé à la sous-disposition 1 i du paragraphe 25 (2),

iii. fixe le montant payable aux termes de la disposition 3 du paragraphe 25 (2) à 50 000 \$ si l'accident est survenu le 1^{er} octobre 2003 ou après cette date, au lieu du montant précisé à la sous-disposition 3 i du paragraphe 25 (2),

iv. fixe le montant maximal des frais funéraires à 8 000 \$, au lieu du montant précisé à l'alinéa 26 (2) a).

(2) L'article 27 du Règlement est modifié par adjonction du paragraphe suivant :

(5) Malgré la disposition 3 du paragraphe (1), le montant de l'indemnité de soins auxiliaires payable mensuellement à l'égard de la personne assurée relativement à un accident qui est survenu le 1^{er} octobre 2003 ou après cette date ne doit pas être supérieur à 6 000 \$.

10. (1) Le paragraphe 30 (2) du Règlement est modifié par adjonction des alinéas suivants :

c) soit à l'égard d'une personne qui, au moment de l'accident :

(i) ou bien se livrait à un acte pour lequel elle a été déclarée coupable d'une infraction criminelle,

(ii) ou bien était transportée dans une automobile qui était utilisée en rapport avec un acte pour lequel elle a été déclarée coupable d'une infraction criminelle;

d) soit à l'égard d'une personne qui a été déclarée coupable, aux termes de l'article 254 du *Code criminel* (Canada), d'avoir fait défaut d'obtempérer à un ordre légitime de fournir un échantillon d'haleine en rapport avec l'accident.

(2) Le paragraphe 30 (5) du Règlement est modifié par substitution de «au présent article» à «à l'alinéa (4) a)» dans le passage qui précède la définition de «infraction criminelle».

11. (1) Le paragraphe 32 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) La personne qui a l'intention de présenter une demande d'indemnité aux termes du présent règlement en avise l'assureur.

(1.1) La personne avise l'assureur comme l'exige le paragraphe (1) :

a) dans les 30 jours des circonstances qui ont donné naissance au droit à l'indemnité, ou le plus tôt possible par la suite, si ces circonstances découlent d'un accident qui est survenu avant le 1^{er} octobre 2003;

b) dans les sept jours des circonstances qui ont donné naissance au droit à l'indemnité, ou le plus tôt possible par la suite, si ces circonstances découlent d'un accident qui est survenu le 1^{er} octobre 2003 ou après cette date.

(2) L'article 32 du Règlement est modifié par adjonction des paragraphes suivants :

(3.1) Si la demande d'indemnité prévue au présent règlement qu'il reçoit est incomplète, l'assureur en avise la personne au plus tard 14 jours après l'avoir reçue et lui indique quels sont les renseignements manquants.

(3.2) Le paragraphe (3.1) ne s'applique que si, après un examen raisonnable de la demande incomplète, l'assureur est incapable, sans les renseignements manquants, de déterminer si une indemnité est payable.

(5) Si le paragraphe (3.1) s'applique à l'égard d'une demande incomplète, aucune indemnité n'est payable tant que la personne n'a pas fourni les renseignements manquants.

(6) Si, à l'égard d'un accident qui survient le 1^{er} octobre 2003 ou après cette date, une personne assurée, sans explication raisonnable, n'avise pas l'assureur comme l'exige le paragraphe (1) dans le délai de sept jours imparti à l'alinéa (1.1) b), ce dernier peut retarder la détermination de son droit à une indemnité visée à l'article 35, 38, 39 ou 41 d'au plus 45 jours à partir du moment où il reçoit sa demande.

12. (1) L'article 33 du Règlement est modifié par adjonction des paragraphes suivants :

(1.1) Si l'assureur le lui demande, la personne qui présente une demande d'indemnité aux termes du présent règlement à la suite d'un accident se soumet à un interrogatoire sous serment, mais elle n'est pas tenue :

a) soit de se soumettre à plus d'un de ces interrogatoires à l'égard de questions concernant le même accident;

b) soit de se soumettre à un interrogatoire sous serment pendant qu'elle en est incapable en raison de son état physique, mental ou psychologique.

(1.2) La personne a le droit de se faire représenter à ses frais, lors de l'interrogatoire sous serment, par l'avocat ou l'autre représentant de son choix que permet par ailleurs la loi.

(1.3) L'assureur fait des efforts raisonnables pour fixer l'interrogatoire sous serment à une date, une heure et un lieu qui conviennent à la personne et il lui donne un préavis raisonnable de ce qui suit :

1. La date et le lieu de l'interrogatoire.

2. Le fait qu'elle a le droit d'être représentée de la manière décrite au paragraphe (1.2).
3. Le ou les motifs de l'interrogatoire.
4. Le fait que l'interrogatoire ne portera que sur des questions qui touchent à son droit aux indemnités.

(1.4) L'assureur limite l'interrogatoire sous serment aux questions qui se rapportent au droit de la personne à des indemnités aux termes du présent règlement.

(2) Le paragraphe 33 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) L'assureur n'est pas tenu de verser une indemnité à l'égard de toute période pendant laquelle la personne assurée ne se conforme pas au paragraphe (1) ou (1.1).

(3) Le paragraphe (2) ne s'applique pas à l'égard de l'inobservation du paragraphe (1.1) si l'assureur, selon le cas :

- a) ne se conforme pas au paragraphe (1.3) ou (1.4);
- b) nuit au droit de la personne assurée de se faire représenter comme le prévoit le paragraphe (1.2).

(4) Si la personne assurée qui ne s'est pas conformée au paragraphe (1) ou (1.1) s'y conforme par la suite, l'assureur :

- a) d'une part, reprend le versement de l'indemnité, s'il en était versée une;
- b) d'autre part, verse tous les montants retenus pendant la période d'inobservation, si la personne assurée fournit une explication raisonnable de son retard à se conformer à ce paragraphe.

13. Le paragraphe 35 (3) du Règlement est abrogé et remplacé par ce qui suit :

(3) Malgré le paragraphe (2), l'assureur peut retarder la détermination du droit éventuel d'une personne à l'indemnité d'au plus 45 jours à compter de la date à laquelle il reçoit la demande de la personne si celle-ci, sans explication raisonnable, ne l'avise pas dans le délai de 30 jours imparti à l'alinéa 32 (1.1) a) et que la demande se rapporte à un accident qui est survenu avant le 1^{er} octobre 2003.

14. Les paragraphes 37 (3), (4) et (5) du Règlement sont abrogés et remplacés par ce qui suit :

(3) Les règles suivantes s'appliquent si un avis est donné aux termes de l'alinéa (1) b) pour le motif que la personne ne souffre plus d'une invalidité qui lui donne le droit de continuer à recevoir l'indemnité :

1. La date précisée dans l'avis donné aux termes du paragraphe (2) ne doit pas tomber moins de 14 jours après celle où la personne reçoit l'avis.
2. L'avis donné aux termes de l'alinéa (1) b) doit informer la personne qu'elle a le droit d'exiger une évaluation désignée conformément à l'article 43 en en avisant l'assureur par écrit et en lui donnant un certificat d'invalidité d'un praticien de la santé comme le prévoit l'article 34, et ce avant la date précisée dans l'avis donné aux termes du paragraphe (2).
3. Malgré le paragraphe (2), l'assureur ne doit pas interrompre le versement de l'indemnité si, dans les 14 jours de la réception de l'avis donné aux termes de l'alinéa (1) b), la personne l'avise par écrit qu'elle exige une évaluation désignée conformément à l'article 43 et lui fournit le certificat d'invalidité visé à la disposition 2.

(3.1) Les paragraphes 34 (3) et (4) ne s'appliquent pas si l'avis que donne l'assureur aux termes de l'alinéa (1) b) contient les renseignements visés à la disposition 2 du paragraphe (3).

(4) L'assureur peut interrompre le versement d'une indemnité à une personne, après l'avoir avisée des raisons de l'interruption, si :

- a) d'une part, la personne se soumet à l'évaluation désignée visée à la disposition 3 du paragraphe (3);
- b) d'autre part, le rapport du centre d'évaluation désigné indique que la personne ne souffre plus d'une invalidité qui lui donne droit à l'indemnité.

(5) L'assureur peut contester l'obligation qu'il a de verser une indemnité conformément aux articles 279 à 283 de la Loi, auquel cas il la verse en attendant le règlement du différend si :

- a) d'une part, la personne se soumet à l'évaluation désignée visée à la disposition 3 du paragraphe (3);
- b) d'autre part, le rapport du centre d'évaluation désigné indique que la personne ne souffre plus d'une invalidité qui lui donne droit à l'indemnité.

15. Le Règlement est modifié par adjonction des articles suivants :

DIRECTIVES RELATIVES À UN CADRE DE TRAITEMENT PRÉAPPROUVÉ

37.1 (1) Le présent article s'applique à la personne assurée qui :

- a) d'une part, présente ou a l'intention de présenter une demande d'indemnité conformément à l'article 32;

(2) La personne assurée présente à l'assureur, dans le délai précisé dans la directive relative à un cadre de traitement préapprouvé applicable à la déficience, une formule de confirmation de traitement qui satisfait aux exigences suivantes :

1. Elle est préparée par un praticien de la santé que la loi autorise à traiter la déficience visée et qui se chargera de fournir des biens et des services suivant la formule.
2. Elle contient des détails sur la déficience et précise la directive relative à un cadre de traitement préapprouvé suivant laquelle la demande d'indemnité est présentée.
3. Elle comprend une déclaration du praticien de la santé qui l'a préparée, dans laquelle :
 - i. il divulgue toute situation de conflit d'intérêts dans laquelle le place la fourniture des biens ou des services qui doivent être fournis suivant la directive relative à un cadre de traitement préapprouvé,
 - ii. il confirme qu'il a fait des recherches raisonnables pour déterminer si le traitement place dans une situation de conflit d'intérêts toute personne qui a recommandé la personne assurée à une personne qui fournira des biens ou des services suivant la directive relative à un cadre de traitement préapprouvé,
 - iii. il divulgue toute situation de conflit d'intérêts dans laquelle le traitement place une personne qui a recommandé la personne assurée à une personne qui fournira des biens ou des services suivant la directive relative à un cadre de traitement préapprouvé.
4. Elle est signée par la personne assurée, sauf si l'assureur renonce à cette exigence.

(3) L'avocat ou autre représentant qui agit pour le compte de la personne assurée à l'égard de la demande d'indemnité ou à l'égard d'une instance civile découlant de l'accident avise par écrit l'assureur et la personne assurée, au moment de la présentation de la formule de confirmation de traitement, de toute situation de conflit d'intérêts dans laquelle le place cette demande.

(4) En cas de divulgation d'une situation de conflit d'intérêts dans la formule de confirmation de traitement ou de la part d'une personne visée au paragraphe (3), l'assureur peut refuser la demande.

(5) L'assureur qui reçoit une formule de confirmation de traitement donne à la personne assurée et au praticien de la santé, dans les cinq jours ouvrables qui suivent, un avis conforme aux règles suivantes dans lequel il en accuse réception :

1. L'avis indique si la police visée dans la formule de confirmation de traitement était en vigueur au moment de l'accident.
2. Si l'assureur refuse la demande en raison d'un conflit d'intérêts, l'avis indique le motif du refus, précise en quoi consiste le conflit d'intérêts et signale le droit qu'a la personne assurée de présenter une nouvelle demande.
3. Si la formule de confirmation de traitement comprend une demande de règlement pour des biens ou des services accessoires visée à l'article 37.2, l'avis se conforme également aux exigences de cet article.

(6) Malgré le paragraphe (4), l'assureur ne doit pas refuser une demande en raison d'un conflit d'intérêts s'il n'y a personne d'autre, dans un rayon de 50 kilomètres de la résidence de la personne assurée, qui puisse fournir les biens ou les services auxquels se rapporte le conflit d'intérêts.

(7) Si la personne assurée présente une demande prévue à l'article 32 et une formule de confirmation de traitement aux termes du présent article à l'égard d'une déficience et que l'assureur accepte la demande d'indemnité, il n'est tenu de verser des indemnités d'un type visé à l'article 14 ou 15 à l'égard de la déficience que conformément :

- a) d'une part, à la directive relative à un cadre de traitement préapprouvé à laquelle se rapporte la formule de confirmation;
- b) d'autre part, aux exigences de l'article 37.2, s'il s'applique à la demande.

(8) Si la personne assurée lui a présenté une demande prévue à l'article 32, l'assureur verse une indemnité visée au paragraphe (7) dans les 30 jours de la réception de la facture concernant les biens et les services :

- a) soit qui ont été fournis suivant la directive relative à un cadre de traitement préapprouvé à laquelle se rapporte la formule de confirmation de traitement;
- b) soit pour lesquels l'assureur a accepté de payer en vertu de l'article 37.2 et qui ont été fournis.

(9) L'assureur n'est pas tenu de verser des indemnités suivant plus d'une formule de confirmation de traitement qui se rapporte à la même directive relative à un cadre de traitement préapprouvé.

(10) Une personne assurée peut recevoir des indemnités visées par deux directives relatives à un cadre de traitement préapprouvé ou plus si celles-ci le permettent.

(11) La personne assurée qui, au cours du traitement prévu par une directive relative à un cadre de traitement préapprouvé, change de praticien de la santé qui est responsable de la fourniture de biens et de services suivant la formule de confirmation de traitement présente une formule de confirmation de traitement modifiée.

(12) L'assureur n'est tenu de payer pour des biens et des services suivant une formule de confirmation de traitement modifiée que dans la mesure où ils n'ont pas été déjà fournis suivant la directive relative à un cadre de traitement préapprouvé.

(13) Les articles 42 et 43 ne s'appliquent pas à une demande de paiement pour des biens et des services qui sont fournis suivant une directive relative à un cadre de traitement préapprouvé.

(14) Si des biens ou des services prévus par une directive relative à un cadre de traitement préapprouvé ne sont pas fournis dans les délais qu'elle précise, toute demande d'indemnité pour frais médicaux ou de réadaptation à laquelle elle s'appliquerait par ailleurs est, sous réserve de l'article 37.2, présentée conformément à l'article 38.

(15) Si un tribunal ou un arbitre décide, dans un différend portant sur le droit d'une personne assurée à des indemnités pour frais médicaux ou de réadaptation ou à des évaluations ou examens connexes, qu'une directive relative à un cadre de traitement préapprouvé s'applique à la personne assurée et que cette dernière a reçu des indemnités ou s'est soumise à des évaluations ou à des examens suivant cette directive :

- a) d'une part, les indemnités sont réputées avoir été raisonnables et nécessaires pour l'application des articles 14 et 15;
- b) d'autre part, les évaluations et les examens sont réputés avoir été raisonnablement nécessaires pour l'application de l'article 24.

37.2 (1) Dans le présent article, les biens ou services accessoires sont, relativement à une déficience à laquelle s'applique une directive relative à un cadre de traitement préapprouvé, des biens ou des services à l'égard desquels la directive :

- a) d'une part, exige l'approbation de l'assureur;
- b) d'autre part, permet de présenter une demande dans une formule de confirmation de traitement visée à l'article 37.1.

(2) Les règles suivantes s'appliquent si une formule de confirmation de traitement visée à l'article 37.1 comprend une demande de règlement à l'égard de biens ou de services accessoires :

1. S'il n'accepte pas de payer pour tous les biens ou services accessoires demandés dans la formule, l'assureur exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné conformément à l'article 43 à l'égard de ceux pour lesquels l'assureur ne paiera pas.
2. L'avis que donne l'assureur aux termes du paragraphe 37.1 (5) indique ce qui suit :
 - i. les biens et services accessoires éventuels pour lesquels il paiera,
 - ii. les biens et services accessoires pour lesquels il ne paiera pas, motifs à l'appui,
 - iii. le fait que l'assureur exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné conformément à l'article 43 à l'égard des biens et services accessoires pour lesquels il ne paiera pas.

(3) Malgré le paragraphe (2), aucune évaluation désignée n'est exigée si, dans les deux jours ouvrables qui suivent la réception de l'avis visé à ce paragraphe, la personne assurée donne à l'assureur un avis écrit indiquant qu'elle ne présentera aucune demande de règlement à l'égard des biens et services pour lesquels il a indiqué qu'il ne paiera pas.

(4) Si, dans le délai imparti au paragraphe 37.1 (5), il ne se conforme pas aux exigences de la disposition 2 du paragraphe (2) ni ne donne l'avis prévu au paragraphe 37.1 (5), l'assureur paie pour tous les biens et services accessoires qui sont fournis suivant la formule de confirmation de traitement.

(5) Les règles suivantes s'appliquent à l'égard des frais engagés pour des biens ou des services accessoires, ou s'y rapportant, sous réserve du règlement de tout différend relatif à ces frais conformément aux articles 279 à 283 de la Loi :

1. Si un centre d'évaluation désigné déclare dans un rapport que les frais sont, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, raisonnables et nécessaires aux fins du traitement ou de la réadaptation de la personne assurée, l'assureur doit les payer.
2. Si un centre d'évaluation désigné ne déclare pas dans un rapport que les frais sont, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, raisonnables et nécessaires aux fins du traitement ou de la réadaptation de la personne assurée, l'assureur n'est pas tenu de les payer.
3. Si un centre d'évaluation désigné déclare dans un rapport que les frais relatifs à une évaluation ou à un examen sont, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, raisonnablement nécessaires en ce qui concerne l'indemnité demandée, l'assureur doit les payer.
4. Si un centre d'évaluation désigné ne déclare pas dans un rapport que les frais relatifs à une évaluation ou à un examen sont, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, raisonnablement nécessaires en ce qui concerne l'indemnité demandée, l'assureur n'est pas tenu de les payer.

(1) Sous réserve du paragraphe (2.1), le présent article s'applique à ce qui suit :

- a) toute demande d'indemnité pour frais médicaux ou de réadaptation, sauf :
 - (i) d'une part, une demande d'indemnité payable aux termes de l'article 37.1,
 - (ii) d'autre part, une demande de règlement pour les biens et services accessoires visés à l'article 37.2;
- b) les demandes d'évaluation ou d'examen visées à la sous-disposition 3 ii du paragraphe 24 (1) qui sont présentées avec un plan de traitement visé au paragraphe (2).

(1.1) La personne assurée présente à l'assureur une demande d'indemnité pour frais médicaux ou de réadaptation avant d'engager des frais à l'égard de cette indemnité ou à l'égard d'une évaluation ou d'un examen auquel s'applique le présent article.

(2) Le paragraphe 38 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) La demande visée au présent article doit être signée par la personne assurée, sauf si l'assureur renonce à cette exigence, et, à moins que l'article 38.1 ne s'applique, comprendre ce qui suit :

- a) un plan de traitement préparé par un membre d'une profession de la santé;
- b) une déclaration dans laquelle un praticien de la santé approuve le plan de traitement visé à l'alinéa a) et déclare qu'à son avis :
 - (i) d'une part, les frais envisagés par le plan de traitement sont raisonnables et nécessaires aux fins du traitement ou de la réadaptation de la personne assurée,
 - (ii) d'autre part, la déficience dont souffre la personne assurée n'est pas visée par une directive relative à un cadre de traitement préapprouvé.

(2.1) L'assureur peut rejeter un plan de traitement prévu au présent article qui prévoit la fourniture de biens ou de services à l'égard d'une période pendant laquelle la personne assurée a le droit d'en recevoir suivant une directive relative à un cadre de traitement préapprouvé, à moins que celle-ci ne lui permette de recevoir les deux. Le rejet de l'assureur est définitif et n'est pas susceptible de révision.

(2.2) Le paragraphe (2.1) n'a pas pour effet d'empêcher la personne assurée, pendant qu'elle reçoit des biens ou des services suivant une directive relative à un cadre de traitement préapprouvé, de présenter un plan de traitement applicable à une autre période que celle visée à ce paragraphe.

(3) L'article 38 du Règlement est modifié par adjonction du paragraphe suivant :

(3.1) Malgré les paragraphes (1.1), (2) et (3), la personne assurée qui engage des frais à l'égard desquels une indemnité pour frais médicaux ou de réadaptation peut être payable, autres que des frais payables suivant une directive relative à un cadre de traitement préapprouvé, sans se conformer à l'un ou l'autre de ces paragraphes présente à l'assureur une demande de paiement des frais conforme aux paragraphes (2) et (3) dans les 30 jours qui suivent leur engagement.

(4) Le paragraphe 38 (8) du Règlement est abrogé et remplacé par ce qui suit :

(8) S'il ne donne pas l'avis prévu au paragraphe (5), l'assureur donne à la personne assurée l'un des avis suivants :

- 1. Un avis divulguant si le plan de traitement le place dans une situation de conflit d'intérêts et indiquant :
 - i. d'une part, les biens et services éventuels prévus par le plan de traitement pour lesquels il paiera,
 - ii. d'autre part, les biens et services éventuels prévus par le plan de traitement pour lesquels il ne paiera pas.
- 2. Un avis indiquant qu'il rejette le plan de traitement pour le motif que la personne assurée souffre d'une déficience à laquelle s'applique une directive relative à un cadre de traitement préapprouvé.

(8.1) L'avis prévu au paragraphe (8) doit être donné :

- a) dans les 14 jours de la réception de la demande par l'assureur, dans le cas d'un avis prévu à la disposition 1 du paragraphe (8);
- b) dans les cinq jours ouvrables de la réception de la demande par l'assureur, dans le cas d'un avis prévu à la disposition 2 du paragraphe (8).

(8.2) Les règles suivantes s'appliquent si l'assureur ne donne pas un avis prévu au paragraphe (8) conformément au paragraphe (8.1) :

- 1. Dans le cas de l'avis prévu à la disposition 2 du paragraphe (8) :
 - i. d'une part, il ne peut pas rejeter le plan de traitement pour le motif que la personne assurée souffre d'une déficience à laquelle s'applique une directive relative à un cadre de traitement préapprouvé,

ii. d'autre part, il doit donner l'avis prévu à la disposition 1 du paragraphe (8) conformément au paragraphe (8.1).

2. Dans le cas de l'avis prévu à la disposition 1 du paragraphe (8) ou d'un avis qu'exige cette disposition en application de la sous-disposition 1 ii du présent paragraphe, il paie pour tous les biens et services fournis suivant le plan de traitement qui vise la période débutant le lendemain du jour où il était tenu de donner l'avis et se terminant le jour où il donne l'avis.

(5) Le paragraphe 38 (9) du Règlement est modifié par substitution de «à la disposition 1 du paragraphe (8)» à «à l'alinéa (8) b)».

(6) Les paragraphes 38 (11) et (12) du Règlement sont abrogés et remplacés par ce qui suit :

(11) Si la demande n'est pas retirée comme le permet le paragraphe (9), l'assureur paie pour les biens et les services pour lesquels il a accepté de payer dans l'avis prévu à la disposition 1 du paragraphe (8) dans les 30 jours de la réception de la facture.

(12) Si l'avis prévu à la disposition 1 du paragraphe (8) n'indique pas que l'assureur paiera pour tous les biens et services prévus par le plan de traitement :

- a) d'une part, l'assureur exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné conformément à l'article 43 à l'égard de ceux pour lesquels il ne paiera pas;
- b) d'autre part, l'assureur joint ce qui suit à l'avis prévu à la disposition 1 du paragraphe (8) :
 - (i) l'exposé des motifs pour lesquels il n'accepte pas de payer pour tous les biens et services prévus par le plan de traitement,
 - (ii) un avis selon lequel il exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné conformément à l'article 43.

(12.1) Si l'assureur donne l'avis prévu à la disposition 2 du paragraphe (8) :

- a) d'une part, il exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné à l'égard des biens et des services;
- b) d'autre part, il joint ce qui suit à l'avis :
 - (i) une déclaration précisant quelle directive relative à un cadre de traitement préapprouvé s'applique à la personne assurée,
 - (ii) un avis selon lequel il exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné.

(12.2) Si l'assureur donne l'avis prévu à la disposition 2 du paragraphe (8), la personne assurée peut présenter une formule de confirmation de traitement en vertu de l'article 37.1 et recevoir des biens et des services conformément à la directive relative à un cadre de traitement préapprouvé visée au sous-alinéa (12.1) b) (i), en attendant la décision du centre d'évaluation désigné visé au sous-alinéa (12.1) b) (ii).

(12.3) S'il y a lieu, la formule de confirmation de traitement visée au paragraphe (12.2) peut comprendre une demande de règlement pour des biens ou des services accessoires visée à l'article 37.2.

(7) Les paragraphes 38 (13) et (14) du Règlement sont abrogés et remplacés par ce qui suit :

(13) Malgré l'alinéa (12) a), aucune évaluation désignée ne doit être exigée si, dans les cinq jours ouvrables de la réception de l'avis prévu au sous-alinéa (12) b) (ii), la personne assurée avise par écrit l'assureur qu'elle ne présentera pas de demande de règlement à l'égard des biens ou des services pour lesquels il a indiqué qu'il ne paiera pas.

(14) Les règles suivantes s'appliquent à l'égard des frais engagés pour des biens ou des services accessoires, ou s'y rapportant, pour lesquels l'assureur n'a pas accepté de payer, sous réserve du règlement de tout différend relatif à ces frais conformément aux articles 279 à 283 de la Loi :

- 1. Si le centre d'évaluation désigné déclare dans un rapport que des frais demandés aux termes de l'article 14 ou 15 sont, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, raisonnables et nécessaires aux fins du traitement ou de la réadaptation de la personne assurée ou, dans le cas d'une évaluation ou d'un examen visé à la sous-disposition 3 ii du paragraphe 24 (1), raisonnablement nécessaires en ce qui concerne l'indemnité demandée, l'assureur doit les payer.
- 2. Si le centre d'évaluation désigné ne déclare pas dans un rapport que des frais demandés aux termes de l'article 14 ou 15 sont, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, raisonnables et nécessaires aux fins du traitement ou de la réadaptation de la personne assurée ou, dans le cas d'une évaluation ou d'un examen visé à la sous-disposition 3 ii du paragraphe 24 (1), raisonnablement nécessaires en ce qui concerne l'indemnité demandée, l'assureur n'est pas tenu de les payer.

cadre de traitement préapprouvé, l'assureur peut rejeter le plan de traitement et traiter la demande d'indemnité comme une demande visée à l'article 37.1.

4. Si le centre d'évaluation désigné déclare dans un rapport que la personne assurée ne souffre pas, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, d'une déficience à laquelle s'applique une directive relative à un cadre de traitement préapprouvé, l'assureur donne à la personne assurée l'avis prévu à la disposition 1 du paragraphe (8).

(8) Le paragraphe 38 (15) du Règlement est modifié par substitution de «d'évaluation désignée» à «d'évaluation par un centre d'évaluation désigné» dans le passage qui précède la disposition 1.

(9) Les dispositions 3 et 4 du paragraphe 38 (15) du Règlement sont abrogées et remplacées par ce qui suit :

3. Les frais pour le transport aller-retour de la personne assurée aux fins d'une séance de consultation, d'une séance de formation ou d'une séance de traitement, y compris le transport d'un aide, le cas échéant.
4. Les frais de réintégration sur le marché du travail payables par l'assureur jusqu'au règlement du différend quant à la question de savoir si une prestation est payable aux termes de la *Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail*.

(10) Les paragraphes 38 (16) et (17) du Règlement sont abrogés.

(11) Le paragraphe 38 (18) du Règlement est modifié par substitution de ce qui suit au passage qui précède l'alinéa a) :

(18) Malgré le paragraphe (1.1), l'assureur qui reçoit la demande visée au paragraphe (3.1) prend l'une ou l'autre des mesures suivantes dans les 30 jours de sa réception :

(12) Le paragraphe 38 (19) du Règlement est modifié par substitution de «à la sous-disposition 1 i du paragraphe (8)» à «au sous-alinéa (8) a) (i) ou (ii)».

(13) Les paragraphes 38 (22) à (25) du Règlement sont abrogés.

17. Le Règlement est modifié par adjonction des articles suivants :

38.1 (1) Le présent article s'applique à une demande d'indemnité pour frais médicaux ou de réadaptation prévue à l'article 38 si l'assureur donne à la personne assurée un avis l'informant qu'il les paiera sans que lui soit présenté un plan de traitement visé au même article.

(2) Il doit être satisfait aux conditions suivantes si l'assureur donne l'avis prévu au paragraphe (1) à la personne assurée :

- a) l'avis décrit les frais que paiera l'assureur sans que lui soit présenté un plan de traitement et précise ce qui suit :
 - (i) les sortes de frais,
 - (ii) les restrictions éventuelles en ce qui concerne le montant des frais,
 - (iii) les restrictions éventuelles en ce qui concerne le moment où les frais peuvent être engagés;
- b) l'assureur paie les frais décrits dans l'avis dans les 30 jours de la réception de la facture les concernant;
- c) s'il y a un différend quant à la question de savoir si, pour l'application du paragraphe 14 (2) ou 15 (5), des frais décrits dans l'avis sont raisonnables ou nécessaires, l'assureur les paie en attendant le règlement du différend conformément aux articles 279 à 283 de la Loi.

(3) L'assureur donne à la personne assurée un avis divulguant toute situation de conflit d'intérêts dans laquelle le place toute personne qui fournira des biens ou des services, à laquelle il la recommande.

(4) Tout membre d'une profession de la santé qui recommande la personne assurée à une personne qui fournira des biens ou des services à l'égard desquels l'assureur versera une indemnité pour frais médicaux ou de réadaptation aux termes du présent article donne à l'assureur et à la personne assurée un avis écrit divulguant toute situation de conflit d'intérêts dans laquelle le place la fourniture des biens ou des services.

(5) En cas de divulgation d'une situation de conflit d'intérêts aux termes du paragraphe (4), l'assureur peut donner à la personne assurée un avis exigeant qu'elle lui présente un plan de traitement aux termes de l'article 38 et, si un avis est donné en vertu du présent paragraphe :

- a) l'assureur est dégagé de toute obligation que lui impose le présent article de payer des frais, à l'exclusion des frais engagés avant la remise de l'avis;
- b) les paragraphes (1) à (4) ne s'appliquent pas;

- c) la personne assurée peut présenter une demande d'indemnité et un plan de traitement aux termes de l'article 38.

ÉVALUATIONS ET EXAMENS

38.2 (1) Le présent article s'applique à une demande d'approbation d'une évaluation ou d'un examen visée à la sous-disposition 3 ii du paragraphe 24 (1), sauf si la demande est présentée avec un plan de traitement prévu à l'article 38.

(2) La demande comprend une déclaration du membre d'une profession de la santé qui doit procéder à l'évaluation ou à l'examen, dans laquelle :

- a) il divulgue toute situation de conflit d'intérêts dans laquelle le place l'évaluation ou l'examen visé par la demande;
- b) il indique qu'il a fait des recherches raisonnables pour déterminer si l'évaluation ou l'examen place dans une situation de conflit d'intérêts toute personne qui lui a recommandé la personne assurée, auquel cas il divulgue la situation;
- c) il indique que l'évaluation ou l'examen est raisonnablement nécessaire en ce qui concerne l'indemnité.

(3) L'avocat ou autre représentant qui agit pour le compte de la personne assurée à l'égard de la demande ou à l'égard d'une instance civile découlant de l'accident avise par écrit l'assureur et la personne assurée, au moment de la présentation de la demande, de toute situation de conflit d'intérêts dans laquelle le place la demande.

(4) En cas de divulgation d'une situation de conflit d'intérêts aux termes du paragraphe (2) ou (3), l'assureur peut refuser la demande et, dans les deux jours ouvrables de la réception de la demande, aviser la personne assurée que la demande est refusée et qu'elle peut en présenter une nouvelle.

(5) Malgré le paragraphe (4), l'assureur ne doit pas refuser la demande en raison d'un conflit d'intérêts s'il n'y a personne d'autre, dans un rayon de 50 kilomètres de la résidence de la personne assurée, qui puisse procéder à l'évaluation ou à l'examen.

(6) S'il n'a pas refusé la demande en vertu du paragraphe (4), l'assureur détermine, dans le délai applicable prévu au paragraphe 24 (1.3), s'il est tenu de payer pour l'évaluation ou l'examen visé par la demande et il donne à la personne assurée un avis qui :

- a) indique les évaluations ou examens figurant dans la demande pour lesquels l'assureur paiera ou ne paiera pas;
- b) précise les motifs pour lesquels il n'accepte pas de payer pour une évaluation ou un examen quelconque visé par la demande;
- c) exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné conformément à l'article 43, s'il y déclare qu'il ne paiera pas pour une évaluation ou un examen visé par la demande;
- d) divulgue toute situation de conflit d'intérêts dans laquelle le place toute évaluation ou tout examen visé par la demande.

(7) S'il détermine qu'il n'est pas tenu de payer pour une évaluation ou un examen visé par la demande, l'assureur exige que la personne assurée se fasse évaluer par un centre d'évaluation désigné conformément à l'article 43 à l'égard de la nécessité de l'évaluation ou de l'examen.

(8) Malgré l'alinéa (6) c) et le paragraphe (7), aucune évaluation désignée ne doit être exigée à l'égard d'une évaluation ou d'un examen pour lequel l'assureur a déclaré qu'il ne paiera pas si, dans les deux jours ouvrables de la réception de l'avis prévu au paragraphe (6), la personne assurée avise par écrit l'assureur qu'elle ne présentera pas de demande de règlement à l'égard de l'évaluation ou de l'examen.

(9) S'il ne refuse pas la demande en vertu du paragraphe (4), mais qu'il ne donne pas l'avis comme l'exige le paragraphe (6), l'assureur doit payer pour toutes les évaluations et tous les examens visés par la demande.

(10) Si, dans l'avis prévu au paragraphe (6), l'assureur divulgue une situation de conflit d'intérêts relativement à l'évaluation ou à l'examen, la personne assurée peut, dans les deux jours ouvrables de la réception de l'avis de l'assureur, retirer sa demande et en présenter une nouvelle.

(11) Malgré le paragraphe (10), la personne assurée ne doit pas retirer sa demande ni en présenter une nouvelle s'il n'y a personne d'autre, dans un rayon de 50 kilomètres de sa résidence, qui puisse procéder à l'évaluation ou à l'examen.

(12) Si la demande n'est pas retirée comme le permet le paragraphe (10), l'assureur doit payer pour toutes les évaluations et tous les examens pour lesquels il a accepté de payer en vertu du paragraphe (6), et il doit faire chaque paiement dans les 30 jours de la réception de la facture relative à l'évaluation ou à l'examen.

(13) Les règles suivantes s'appliquent à l'égard d'une évaluation ou d'un examen pour lequel l'assureur n'a pas accepté de payer, sous réserve du règlement de tout différend relatif aux frais conformément aux articles 279 à 283 de la Loi :

- 1. Si un centre d'évaluation désigné déclare dans un rapport que l'évaluation ou l'examen visé par la demande est, de l'avis de la ou des personnes qui ont procédé à l'évaluation désignée, raisonnablement nécessaire en ce qui concerne l'indemnité demandée, l'assureur doit payer pour l'évaluation ou l'examen.

demandée, l'assureur n'est pas tenu de payer pour l'évaluation ou l'examen.

(14) Si, après avoir donné l'avis prévu au paragraphe (6) dans lequel il accepte de payer pour une évaluation ou un examen, l'assureur apprend que l'évaluation ou l'examen place une personne visée au paragraphe (2) ou (3) dans une situation de conflit d'intérêts, il peut donner à la personne assurée un avis exigeant qu'elle modifie la demande dans les cinq jours ouvrables de la réception de l'avis de façon à ce qu'il n'y ait plus de conflit d'intérêts.

(15) Si la personne assurée ne modifie pas la demande comme l'exige le paragraphe (14), l'assureur n'est pas tenu de payer pour l'évaluation ou l'examen visé à ce paragraphe.

(16) Le paragraphe (14) ne s'applique pas s'il n'y a personne d'autre, dans un rayon de 50 kilomètres de la résidence de la personne assurée, qui puisse procéder à l'évaluation ou à l'examen qui donne lieu à la situation de conflit d'intérêts.

CONFLIT D'INTÉRÊTS

38.3 (1) Pour l'application des articles 37.1, 38, 38.1 et 38.2 :

- a) la fourniture de biens ou de services place une personne dans une situation de conflit d'intérêts si les conditions suivantes sont réunies :
 - (i) la personne ou une personne liée peut recevoir, directement ou indirectement, un avantage financier à la suite de la fourniture, par la personne liée ou par une autre personne, des biens ou des services,
 - (ii) la personne qui peut recevoir l'avantage financier n'est pas l'employé de la personne qui fournira les biens ou les services ni n'a conclu de contrat avec elle ou de contrat prévoyant la fourniture de tels biens ou services;
- b) la fourniture de biens ou de services à une personne assurée place l'assureur dans une situation de conflit d'intérêts s'il peut recevoir, directement ou indirectement, un avantage financier à la suite de la fourniture de ces biens ou services.

(2) Une personne liée est, en ce qui concerne une personne physique, un particulier qui est, selon le cas :

- a) le conjoint ou partenaire de même sexe de la personne;
- b) lié à la personne par le sang ou l'adoption;
- c) lié par le sang au conjoint ou partenaire de même sexe de la personne.

(3) Pour l'application du paragraphe (2) :

- a) deux personnes sont liées par le sang si l'une est l'enfant ou un autre descendant de l'autre ou encore le frère ou la soeur de l'autre;
- b) deux personnes sont liées par l'adoption si l'une a été adoptée, légalement ou de fait, comme enfant de l'autre ou comme enfant d'une personne qui est liée à l'autre par le sang, autrement qu'à titre de frère ou de soeur.

18. (1) L'alinéa 39 (1) b) du Règlement est abrogé et remplacé par ce qui suit :

- b) soit avise la personne assurée qu'il exige qu'elle fournisse une évaluation des besoins en soins auxiliaires rédigée selon la formule 1 et préparée par un membre d'une profession de la santé que la loi autorise à traiter sa déficience.

(2) Le paragraphe 39 (2) du Règlement est modifié par substitution de «l'évaluation des besoins en soins auxiliaires visée à l'alinéa (1) b) lui soit fournie» à «le certificat visé à l'alinéa (1) b) lui soit fourni».

(3) Les paragraphes 39 (3), (4) et (5) du Règlement sont abrogés et remplacés par ce qui suit :

(3) Si l'assureur est tenu de verser l'indemnité, il commence à la verser dans les 30 jours de la réception de la demande ou, s'il a exigé une évaluation des besoins en soins auxiliaires rédigée selon la formule 1, dans les 14 jours de la réception de cette dernière.

(4) Si l'assureur détermine que la personne assurée n'a pas droit à une indemnité de soins auxiliaires, il exige qu'elle subisse une évaluation désignée conformément à l'article 43 et lui donne un avis motivé de sa décision et du fait qu'il exige l'évaluation désignée :

- a) dans les 14 jours de la réception de la demande;
- b) dans les 14 jours de la réception de l'évaluation des besoins en soins auxiliaires rédigée selon la formule 1, s'il a exigé une telle évaluation aux termes du présent article.

(4) Le paragraphe 39 (6) du Règlement est modifié par substitution de «une évaluation désignée» à «une évaluation».

(5) Les paragraphes 39 (7) et (8) du Règlement sont abrogés et remplacés par ce qui suit :

(7) Si la personne assurée reçoit une indemnité de soins auxiliaires et que l'assureur détermine qu'elle n'y a plus droit ou que son montant devrait être réduit, il exige qu'elle subisse une évaluation désignée conformément à l'article 43 et lui donne un avis motivé de sa décision et du fait qu'il exige l'évaluation désignée au plus tard à la date d'échéance du prochain versement.

(8) Si la personne assurée qui reçoit une indemnité de soins auxiliaires lui présente une demande d'augmentation de l'indemnité, l'assureur, s'il détermine qu'elle n'a pas droit à l'augmentation, exige qu'elle subisse une évaluation désignée conformément à l'article 43 et lui donne un avis motivé de sa décision et du fait qu'il exige l'évaluation désignée dans les 14 jours de la réception de la demande.

(9) Si une évaluation désignée est exigée aux termes du paragraphe (7) ou (8), l'assureur continue, en attendant de recevoir le rapport du centre d'évaluation désigné, de verser l'indemnité de soins auxiliaires à la personne assurée selon le montant qu'il lui versait avant la remise de l'avis prévu à ce paragraphe.

(10) La décision du centre d'évaluation désigné lie la personne assurée et l'assureur à l'égard de l'indemnité de soins auxiliaires, sous réserve du règlement de tout différend conformément aux articles 279 à 283 de la Loi.

(11) Malgré les paragraphes (7) et (8), si plus de 104 semaines se sont écoulées depuis l'accident, l'assureur ne doit pas exiger une évaluation désignée de la personne assurée et celle-ci ne doit lui présenter aucune demande d'augmentation de l'indemnité à moins qu'au moins 52 semaines se soient écoulées depuis sa dernière évaluation par un centre d'évaluation désigné.

(12) La personne assurée et l'assureur peuvent s'entendre n'importe quand pour que la personne assurée se fasse évaluer conformément à l'article 43.

(13) Si l'assureur détermine qu'une personne n'a pas droit à une indemnité de soins auxiliaires aux termes du paragraphe 18 (2) :

- a) d'une part, les paragraphes (4), (7), (8) et (11) ne s'appliquent pas;
- b) d'autre part, s'il la lui versait, il ne doit pas interrompre le versement sans lui donner un avis motivé de sa décision au moins 14 jours avant le dernier versement.

19. L'article 40 du Règlement est modifié par adjonction du paragraphe suivant :

(3.1) Malgré l'alinéa 19 (2) a), si une demande visée au paragraphe (1) est présentée dans les 104 semaines de l'accident et qu'une évaluation désignée est exigée aux termes du présent article, l'assureur continue, en attendant de recevoir le rapport du centre d'évaluation désigné, de verser l'indemnité de soins auxiliaires à la personne assurée selon le montant qui lui était versé avant la remise de l'avis prévu à l'alinéa (2) c) ou au paragraphe (3).

20. (1) Le paragraphe 42 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) Aux fins de la détermination du droit de la personne assurée à une indemnité demandée, l'assureur peut lui donner un avis exigeant qu'elle se fasse examiner par la ou les personnes qu'il précise. Chacune de ces personnes doit être un membre d'une profession de la santé ou posséder des compétences spécialisées en matière de réadaptation professionnelle.

(1.1) Le paragraphe (1) ne s'applique pas à l'égard :

- a) soit d'une demande d'indemnité qui est assujettie à l'article 37.1 ou 37.2;
- b) soit d'une demande de prestation de décès ou d'indemnité pour frais funéraires;
- c) soit d'une demande d'indemnité pour frais médicaux ou de réadaptation visée à l'article 14 ou 15, sauf si elle fait l'objet d'une instance introduite en vertu des articles 279 à 284 de la Loi.

(2) Le paragraphe 42 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) L'avis précise les motifs pour lesquels l'assureur exige l'examen et en précise la date, qui tombe au moins cinq jours ouvrables après sa réception par la personne.

(3) Le paragraphe 42 (4) du Règlement est abrogé et remplacé par ce qui suit :

(4) L'assureur fait des efforts raisonnables pour fixer la date et l'heure de l'examen à un moment qui convient à la personne assurée.

(4) Le paragraphe 42 (7) du Règlement est modifié par substitution de «cinq jours ouvrables» à «sept jours».

(5) Les alinéas 42 (8) a) et b) du Règlement sont abrogés et remplacés par ce qui suit :

- a) d'une part, l'assureur peut interrompre le versement de l'indemnité à laquelle se rapporte l'examen jusqu'à ce que la personne se soumette à celui-ci ou se conforme au paragraphe (5);
- b) d'autre part, aucune indemnité n'est payable pour la période qui suit le moment où la personne ne s'est pas présentée à l'examen ou ne s'est pas conformée au paragraphe (5) et qui précède celui où elle se soumet à l'examen visé au paragraphe (1) et se conforme au paragraphe (5).

(9) Si, par la suite, la personne se soumet à un examen visé au paragraphe (1) ou se conforme au paragraphe (3), l'assureur :

- a) d'une part, reprend le versement de l'indemnité;
- b) d'autre part, verse tous les montants retenus pendant la période d'inobservation si la personne assurée fournit une explication raisonnable du défaut de se présenter à l'examen ou de l'inobservation du paragraphe (5).

(10) Il est interdit à quiconque est membre d'une profession de la santé ou possède des compétences spécialisées en matière de réadaptation professionnelle d'examiner la personne assurée pour le compte de l'assureur afin de décider si elle a droit à une indemnité, si ce n'est conformément au présent article.

21. L'article 43 du Règlement et l'intertitre qui le précède sont abrogés et remplacés par ce qui suit :

ÉVALUATIONS DÉSIGNÉES

43. (1) Les règles suivantes s'appliquent si une évaluation désignée est exigée aux termes du présent règlement :

1. L'assureur avise le centre d'évaluation désigné dans les cinq jours ouvrables.
2. La personne assurée et l'assureur fournissent les renseignements raisonnablement nécessaires à la ou aux personnes qui procéderont à l'évaluation désignée dans le délai de cinq jours ouvrables visé à la disposition 1.
3. Le centre d'évaluation désigné avise promptement la personne assurée et prend des dispositions pour l'évaluation désignée.
4. La personne assurée se soumet à tous les examens physiques, psychologiques, mentaux et fonctionnels raisonnables que demandent la ou les personnes qui procèdent à l'évaluation désignée.

(2) Les règles suivantes s'appliquent si la personne assurée ne se soumet pas à l'évaluation désignée prévue au paragraphe (1) ou ne se conforme pas à la disposition 2 ou 4 du même paragraphe :

1. L'assureur peut interrompre le versement de l'indemnité à laquelle se rapporte l'évaluation désignée jusqu'à ce que la personne assurée s'y soumette et se conforme aux dispositions 2 et 4 du paragraphe (1).
2. Aucune indemnité n'est payable pour la période qui suit le moment où la personne assurée ne se soumet pas à l'évaluation désignée ou ne se conforme pas à la disposition 2 ou 4 du paragraphe (1) et qui précède celui où, par la suite, elle se soumet à un examen visé au paragraphe (1) et se conforme aux dispositions 2 et 4 du paragraphe (1).

(3) Si, par la suite, la personne assurée se soumet à une évaluation désignée et se conforme aux dispositions 2 et 4 du paragraphe (1), l'assureur :

- a) d'une part, reprend le versement de l'indemnité;
- b) d'autre part, verse tous les montants retenus pendant la période d'inobservation, si la personne assurée fournit une explication raisonnable du défaut de se soumettre à l'évaluation désignée ou de l'inobservation de la disposition 2 ou 4 du paragraphe (1), selon le cas.

(4) Après avoir procédé à l'évaluation désignée, la ou les personnes qui y ont procédé préparent un rapport et en remettent une copie aux personnes suivantes :

- a) l'assureur;
- b) la personne assurée;
- c) le praticien de la santé de la personne assurée.

(5) Sous réserve du paragraphe (11), le centre d'évaluation désigné remet le rapport au plus tard 14 jours après avoir terminé l'évaluation désignée.

(6) Si l'évaluation désignée est exigée aux termes de l'article 37 à l'égard d'une demande d'indemnité de remplacement de revenu, de personne sans revenu d'emploi ou de soignant, le rapport dont elle fait l'objet comprend une déclaration précisant si la personne assurée souffre toujours d'une invalidité qui lui donne le droit de continuer à recevoir l'indemnité.

(7) Si l'évaluation désignée est exigée aux termes de l'article 37.2, le rapport dont elle fait l'objet indique si les biens et les services accessoires qui font l'objet d'une demande de règlement dans la formule de confirmation de traitement sont raisonnables et nécessaires.

(8) Si l'évaluation désignée est exigée aux termes de l'article 38, le rapport dont elle fait l'objet réunit les conditions suivantes :

- a) il indique si les biens et les services accessoires qui doivent être fournis suivant le plan de traitement sont raisonnables et nécessaires et comprend des recommandations quant à leur fourniture future à la personne assurée aux fins de son

traitement et de sa réadaptation, si le but de l'évaluation désignée est de déterminer s'ils sont raisonnables et nécessaires;

- b) il indique si la déficience est prévue dans une directive relative à un cadre de traitement préapprouvé, dans le cas où le but de l'évaluation consiste à déterminer si la personne assurée souffre d'une déficience à laquelle s'applique une telle directive.

(9) Dans le cas d'une évaluation désignée visée à l'alinéa (8) b), le rapport du centre d'évaluation désigné indique également si les biens ou les services qui doivent être fournis suivant le plan de traitement sont raisonnables et nécessaires et comprend des recommandations quant à leur fourniture future à la personne assurée aux fins de son traitement et de sa réadaptation, s'il indique que la déficience n'est pas visée par une directive relative à un cadre de traitement préapprouvé.

(10) Si l'évaluation désignée est exigée aux termes de l'article 38.2, le rapport dont elle fait l'objet indique si des frais quelconques liés à une évaluation ou à un examen doivent être payés aux termes de l'article 24.

(11) Malgré le paragraphe 53 (9), s'il est procédé à l'évaluation désignée afin de déterminer si des indemnités pour frais médicaux ou de réadaptation doivent être versées autrement que suivant une directive relative à un cadre de traitement préapprouvé ou qu'elle est exigée aux termes de l'article 38.2, le centre d'évaluation désigné remet son rapport à la personne assurée et à l'assureur dans les cinq jours ouvrables qui suivent le dernier en date des jours suivants :

- a) le jour où il reçoit des renseignements qui doivent être fournis aux termes de la disposition 2 du paragraphe (1);
- b) le jour où le conflit d'intérêts que le centre d'évaluation désigné divulgue à l'égard de l'évaluation désignée aux termes de l'article 53 est résolu aux termes de cet article.

(12) S'il ne donne pas l'avis qu'exige le paragraphe (1) conformément à ce paragraphe, l'assureur paie pour les biens et les services qui font l'objet de l'évaluation désignée et qui ont trait à la période débutant le jour où il était tenu de donner l'avis et se terminant le jour où il le donne.

(13) Si l'évaluation désignée est exigée aux termes de l'article 39 à l'égard d'une demande d'indemnité de soins auxiliaires, le rapport comprend :

- a) d'une part, une évaluation des besoins en soins auxiliaires rédigée selon la formule 1;
- b) d'autre part, des recommandations quant à la prestation future de soins auxiliaires à la personne assurée.

(14) Si l'évaluation désignée est exigée aux termes de l'article 40 en vue de déterminer si une déficience est une déficience invalidante, le rapport comprend une déclaration précisant si tel est le cas, de l'avis de la ou des personnes qui ont procédé à l'évaluation.

22. Le paragraphe 47 (1) du Règlement est modifié par adjonction des alinéas suivants :

- d) si le paragraphe 37 (4) s'applique, toute indemnité de remplacement de revenu, de personne sans revenu d'emploi ou de soignant qui est versée pour la période qui suit la remise par l'assureur de l'avis prévu au paragraphe 37 (1) et qui précède la date du rapport du centre d'évaluation désigné visé au paragraphe 37 (4);
- e) les frais payés par l'assureur aux termes de la disposition 2 du paragraphe 24 (1), si la personne assurée, sans explication raisonnable, ne s'est pas présentée à une évaluation désignée prévue ou en annule une sans fournir l'avis que précise le barème des frais d'annulation relatifs à la préévaluation établie par le comité visé à l'article 52, dans ses versions successives, et selon lequel elle ne se présenterait pas à l'évaluation désignée.

23. L'article 49 du Règlement est abrogé et remplacé par ce qui suit :

49. Si l'assureur refuse de verser une indemnité prévue par le présent règlement ou réduit le montant d'une indemnité qu'une personne reçoit aux termes du présent règlement, il avise cette dernière par écrit de son droit de contestation.

24. L'article 50 du Règlement est abrogé et remplacé par ce qui suit :

50. (1) La personne assurée ne doit pas engager de procédure de médiation en vertu de l'article 280 de la Loi à moins de remplir les conditions suivantes :

- a) elle a avisé l'assureur des circonstances qui ont donné lieu à la demande d'indemnité et présenté celle-ci dans les délais prescrits par la présente partie;
- b) elle s'est rendue raisonnablement disponible pour tout examen que l'assureur a exigé aux termes de l'article 42, sauf relativement à une indemnité pour frais médicaux ou de réadaptation visée à l'article 14 ou 15;
- c) elle a subi une évaluation désignée exigée aux termes de l'article 43 et elle s'est conformée à cet article à l'égard de celle-ci.

(2) Malgré l'alinéa (1) b), la personne assurée qui ne se présente pas à un examen dont la date et l'heure ont été fixées ne doit pas être considérée comme s'étant rendue raisonnablement disponible pour l'examen, sauf si, avant de présenter une demande de médiation, elle se présente à un nouveau rendez-vous pour l'examen, si l'assureur l'exige.

52.1 Le comité visé à l'article 52 peut suspendre, révoquer ou modifier une désignation faite aux termes de l'article 52, sous réserve des conditions qu'il précise.

52.2 (1) Lorsque le comité visé à l'article 52 l'exige, le centre d'évaluation désigné fournit au surintendant les renseignements au sujet de l'exécution de ses fonctions qu'exige le comité.

(2) Les renseignements exigés aux termes du paragraphe (1) sont fournis aux moments et de la façon que le comité fixe et ordonne.

(3) Le surintendant examine les renseignements réunis aux termes du paragraphe (1) et peut prendre à leur égard toute mesure qu'il estime appropriée.

(4) Si un centre d'évaluation désigné ne se conforme pas à une demande de renseignements prévue au paragraphe (1), le surintendant peut signaler le manquement au comité visé à l'article 52.

26. L'article 53 du Règlement et l'intertitre qui le précède sont abrogés et remplacés par ce qui suit :

CENTRES D'ÉVALUATION DÉSIGNÉS

53. (1) Une évaluation désignée doit être faite par le centre d'évaluation désigné qui est situé le plus près de la résidence de la personne assurée et qui :

- a) d'une part, est autorisé à évaluer les déficiences du type dont souffre la personne assurée;
- b) d'autre part, est autorisé à procéder au type d'évaluation désignée qui est exigé.

(2) Avant de procéder à l'évaluation désignée, le centre d'évaluation désigné donne à l'assureur et à la personne assurée un avis écrit divulguant toute situation de conflit d'intérêts dans laquelle le place l'évaluation.

(3) Le centre d'évaluation désigné donne tout avis qu'exige le paragraphe (2) à l'égard d'une évaluation désignée visée au paragraphe 43 (11) dans les trois jours ouvrables qui suivent la réception de la demande d'évaluation.

(4) En cas de divulgation d'une situation de conflit d'intérêts aux termes du paragraphe (2) :

- a) le centre d'évaluation désigné procède à l'évaluation désignée, si l'assureur et la personne assurée s'entendent à cet effet;
- b) si l'assureur et la personne assurée ne s'entendent pas, l'évaluation désignée doit être faite, sous réserve du paragraphe (2), par le deuxième centre d'évaluation désigné qui est situé le plus près de la résidence de la personne assurée et qui :
 - (i) d'une part, est autorisé à évaluer les déficiences du type dont souffre la personne assurée,
 - (ii) d'autre part, est autorisé à procéder au type d'évaluation désignée qui est exigé.

(5) Pour l'application de l'alinéa (4) b), l'assureur et la personne assurée sont réputés ne pas s'entendre dans le cas d'une évaluation désignée visée au paragraphe 43 (11) à moins qu'ils ne s'entendent avant la fin du troisième jour ouvrable qui suit le dernier en date du jour où l'assureur reçoit l'avis prévu au paragraphe (2) et celui où la personne assurée reçoit ce même avis.

(6) Si le centre d'évaluation désigné qui est déterminé conformément au paragraphe (1) ou à l'alinéa (4) b) est situé à plus de 100 kilomètres de la résidence de la personne assurée, cette dernière et l'assureur tentent de s'entendre sur la ou les personnes, dont au moins une est un praticien de la santé, qui procéderont à l'évaluation désignée.

(7) Si l'assureur et la personne assurée ne peuvent s'entendre aux termes du paragraphe (6), la personne assurée doit être évaluée au centre d'évaluation désigné déterminé conformément au paragraphe (1) ou à l'alinéa (4) b), selon le cas.

(8) Les paragraphes (6) et (7) ne s'appliquent pas à l'évaluation désignée exigée aux termes de l'article 39 ou 40 ni à celle visée au paragraphe 43 (11).

(9) Sauf disposition contraire du paragraphe 43 (11), le centre d'évaluation désigné doit commencer l'évaluation désignée dans les 14 jours de la réception d'une demande à cet effet.

(10) Si le centre d'évaluation désigné ne peut commencer l'évaluation désignée dans les 14 jours de la réception de la demande d'évaluation, la personne assurée ou l'assureur peut exiger que, sous réserve du paragraphe (2), cette évaluation soit faite par le deuxième centre d'évaluation désigné qui est situé le plus près de la résidence de la personne assurée et qui :

- a) d'une part, est autorisé à évaluer les déficiences du type dont souffre la personne assurée;
- b) d'autre part, est autorisé à procéder au type d'évaluation désignée qui est exigé.

(11) Pour l'application du présent article, l'évaluation désignée place un centre d'évaluation désigné dans une situation de conflit d'intérêts si, selon le cas :

- a) l'assureur, la personne assurée ou un représentant qui agit pour le compte de l'un ou de l'autre, notamment un avocat, a un intérêt financier dans le centre d'évaluation désigné;
- b) le centre d'évaluation désigné, une personne liée, un évaluateur ou un expert-conseil qui procédera à tout ou partie de l'évaluation désignée ou un établissement qui est, directement ou indirectement et en totalité ou en partie, la propriété du centre ou de la personne liée ou sous son contrôle :
 - (i) soit a fourni des biens ou des services à la personne qui doit être évaluée, à l'exception d'une évaluation désignée antérieure,
 - (ii) soit a préparé ou approuvé une formule de confirmation de traitement visée à l'article 37.1, un plan de traitement visé à l'article 38 ou une demande d'approbation d'une évaluation ou d'un examen visée à l'article 38.2 à l'intention de la personne qui doit être évaluée,
 - (iii) soit est nommé dans une formule de confirmation de traitement, un plan de traitement ou une demande d'approbation d'une évaluation ou d'un examen comme personne qui fournira des biens ou des services à la personne qui doit être évaluée.

(12) La définition qui suit s'applique à l'alinéa (11) b).

«personne liée» Relativement à un centre d'évaluation désigné, s'entend d'un propriétaire, d'un associé ou d'une autre personne qui a un intérêt financier dans le centre, mais non d'une personne qui a un intérêt financier dans le centre du fait seulement qu'elle est un créancier sans lien de dépendance avec celui-ci.

27. L'intertitre qui précède l'article 54 est abrogé.

28. Les paragraphes 55 (4) et (5) du Règlement sont abrogés et remplacés par ce qui suit :

(4) Si la personne assurée ne se conforme pas au paragraphe (1), l'assureur peut l'aviser qu'il a l'intention d'interrompre le versement de l'indemnité conformément au paragraphe (5).

(5) L'assureur peut interrompre le versement de l'indemnité s'il s'est écoulé au moins 14 jours depuis qu'un avis a été donné aux termes du paragraphe (4) et que la personne assurée ne s'est pas conformée au paragraphe (1).

(6) L'article 37 ne s'applique pas à l'égard de l'interruption du versement des indemnités effective ou envisagée visée au présent article.

(7) Si la personne assurée se conforme au paragraphe (1) après l'interruption du versement des indemnités visée au paragraphe (5), l'assureur reprend le versement de l'indemnité à l'égard des périodes qui suivent le moment où elle s'est conformée.

29. Les paragraphes 56 (3), (4) et (5) du Règlement sont abrogés et remplacés par ce qui suit :

(3) Si la personne assurée ne se conforme pas au paragraphe (1), l'assureur peut l'aviser qu'il a l'intention d'interrompre le versement de l'indemnité conformément au paragraphe (4).

(4) L'assureur peut interrompre le versement de l'indemnité s'il s'est écoulé au moins 14 jours depuis qu'un avis a été donné aux termes du paragraphe (3) et que la personne assurée ne s'est pas conformée au paragraphe (1).

(5) L'article 37 ne s'applique pas à l'égard de l'interruption du versement des indemnités effective ou envisagée visée au présent article.

(6) Si la personne assurée se conforme au paragraphe (1) après l'interruption du versement des indemnités visée au paragraphe (4), l'assureur reprend le versement de l'indemnité à l'égard des périodes qui suivent le moment où elle s'est conformée.

30. (1) Le paragraphe 59 (2) du Règlement est modifié par substitution de «l'article 30 de la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail» à «l'article 10 de la Loi sur les accidents du travail».

(2) Le paragraphe 59 (3) du Règlement est modifié par substitution de «l'article 30 de la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail» à «l'article 10 de la Loi sur les accidents du travail».

(3) Le paragraphe 59 (4) du Règlement est modifié par substitution de «l'article 30 de la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail» à «l'article 10 de la Loi sur les accidents du travail».

31. Les alinéas a), b) et g) de la définition de «indemnité d'invalidité temporaire» au paragraphe 60 (3) du Règlement sont abrogés et remplacés par ce qui suit :

a) d'une indemnité de remplacement de revenu ou de personne sans revenu d'emploi versée aux termes du présent règlement, sauf si elle est versée plus de 104 semaines après le début de l'invalidité;

b) d'une indemnité de soignant versée aux termes du présent règlement;

... de la partie IX de la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail, à l'égard des lésions survenues avant le 1^{er} janvier 1998, y compris des indemnités versées aux termes de ces dispositions telles qu'elles sont réputées modifiées par la partie IX de la même loi;

g.1) des prestations versées aux termes du paragraphe 43 (3) de la *Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail* à l'égard des lésions survenues après le 31 décembre 1997;

32. (1) Le paragraphe 65 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) Est nulle la cession d'une indemnité prévue par le présent règlement ou la cession du droit d'engager une procédure de médiation, d'arbitrage, d'appel ou de modification en vertu des articles 280 à 284 de la Loi.

(2) L'alinéa 65 (2) b) du Règlement est abrogé et remplacé par ce qui suit :

b) ni à la cession d'une indemnité :

- (i) soit au ministère des Services à la collectivité, à la famille et à l'enfance,
- (ii) soit à un agent de prestation des services visé par la *Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées* ou la *Loi de 1997 sur le programme Ontario au travail*,
- (iii) soit au ministre des Finances aux termes du paragraphe 6.1 (4) de la *Loi sur l'indemnisation des victimes d'accidents de véhicules automobiles*;

33. L'article 68 du Règlement est abrogé et remplacé par ce qui suit :

AVIS ET REMISE

68. (1) Les avis que le présent règlement exige ou permet de donner, sauf ceux visés au paragraphe 24 (1.3), 32 (1) ou (3.1) ou à la disposition 3 du paragraphe 43 (1), doivent être donnés par écrit.

(2) Tout document, notamment un avis écrit, que le présent règlement exige ou permet de donner à une personne peut être remis, selon le cas :

- a) en l'envoyant par télécopie au destinataire ou à son avocat ou à son représentant autorisé, le cas échéant, conformément au paragraphe (6);
- b) en remettant une copie à l'avocat ou au représentant autorisé, le cas échéant, du destinataire, ou à un employé de l'avocat ou du représentant;
- c) en la remettant à la personne au destinataire;
- d) en l'envoyant par poste-lettres, par courrier certifié ou par courrier recommandé :
 - (i) dans le cas de l'assureur, à celui-ci ou à son directeur général à son siège social en Ontario qui figure dans les dossiers du surintendant,
 - (ii) dans le cas d'une autre personne que l'assureur, à la dernière adresse connue de cette personne.

(3) Malgré l'alinéa (2) d), aucun avis ou document qui doit être remis dans un délai d'au plus cinq jours ne doit être envoyé par poste-lettres, par courrier certifié ou par courrier recommandé.

(4) Lorsque, pour une raison quelconque, les efforts pour remettre un document à la personne au domicile du destinataire s'avèrent vains, ce document peut être remis selon l'un des modes suivants :

- a) d'une part, en remettant une copie sous pli cacheté au domicile du destinataire à une personne qui paraît majeure et semble faire partie du même ménage;
- b) d'autre part, en envoyant par la poste une autre copie adressée au domicile du destinataire le jour même ou le lendemain.

(5) En l'absence de preuve contraire, le destinataire est réputé avoir reçu toute chose envoyée par poste-lettres, par courrier certifié ou par courrier recommandé en vertu de l'alinéa (2) d) ou remise à son domicile en vertu du paragraphe (4) le cinquième jour ouvrable suivant celui de sa mise à la poste conformément à l'alinéa (2) d) ou au paragraphe (4).

(6) Le document qui est remis par télécopie doit indiquer en première page :

- a) les nom, adresse et numéro de téléphone de l'expéditeur;
- b) le nom du destinataire;
- c) la date de l'accident auquel se rapporte le document;
- d) les nom, adresse et numéro de téléphone de la personne à laquelle se rapporte le document;

- e) les date et heure de la transmission;
- f) le nombre total de pages transmises, y compris la première page;
- g) le numéro de téléphone d'où est transmis le document;
- h) les nom et numéro de téléphone de la personne à contacter en cas de difficultés de transmission.

(7) Le document qui est remis conformément à l'alinéa (2) a), b) ou c) après 17 heures, heure locale du destinataire, est réputé remis le jour ouvrable suivant.

(8) Malgré le sous-alinéa (2) d) (i) et les paragraphes (5) et (7), si l'assureur fournit les nom et adresse d'une personne-ressource à qui des documents doivent être remis, rien de ce qui est remis à l'assureur sans être adressé à celle-ci à son adresse ne doit être considéré comme ayant été remis à l'assureur tant que la personne-ressource ne l'a pas reçu.

(9) La mention, dans le présent règlement, d'un nombre de jours entre deux événements se lit comme excluant le jour où se produit le premier événement, mais incluant celui où se produit le deuxième.

(10) Sous réserve du paragraphe (11), si une disposition du présent règlement exige qu'une personne fasse quelque chose dans un délai exprimé en jours ou en jours ouvrables, le délai est réputé expirer son dernier jour à 17 heures, heure locale.

(11) Le délai dans lequel une personne est tenue de faire quelque chose qui expire un jour autre qu'un jour ouvrable est réputé expirer le jour ouvrable suivant à 17 heures, heure locale.

(12) Pour l'application des paragraphes (10) et (11), si la personne qui remet un document ou un avis et son destinataire se trouvent dans des fuseaux horaires différents, la mention de l'expression «17 heures, heure locale» vaut mention du moment où il est 17 heures dans un fuseau horaire et plus tard que 17 heures dans l'autre.

34. L'article 69 du Règlement est abrogé et remplacé par ce qui suit :

69. Les documents qui suivent sont rédigés selon la formule qu'approuve le surintendant :

1. La formule de demande visée à l'alinéa 32 (2) a).
2. Le certificat exigé en vertu de l'article 34.
3. L'avis visé à l'article 36.
4. L'avis visé au paragraphe 37 (1).
5. La formule de confirmation de traitement visée à l'article 37.1.
6. La demande visée à l'article 38, y compris le plan de traitement.
7. La demande visée à l'article 38.2.
8. La demande visée au paragraphe 40 (1).
9. L'avis visé au paragraphe 40 (2).
10. Le rapport d'une évaluation désignée.
11. L'explication visée à l'article 45.
12. L'avis visé à l'article 49.

35. Le Règlement est modifié par adjonction de l'article suivant :

70.1 La formule 1, telle qu'elle existe le 30 septembre 2003, continue de s'appliquer à l'égard des accidents qui surviennent avant le 1^{er} octobre 2003.

36. La formule 1 du Règlement est abrogée et remplacée par ce qui suit :

Envoyez la présente formule à :

Évaluation des besoins en soins auxiliaires

(Formule I)

N° de la police :

N° de la demande de règlement :

Servez-vous de la présente formule pour indiquer les soins auxiliaires dont le demandeur aura besoin à l'avenir à la suite d'un accident d'automobile qui survient le 1^{er} octobre 2003 ou par la suite. La présente formule doit être remplie par un membre d'une profession de la santé que la loi autorise à traiter la déficience du demandeur (désigné ci-dessous comme un membre d'une profession de la santé réglementée). Elle se compose de cinq parties :

- Partie 1 : Soins auxiliaires de niveau 1
- Partie 2 : Soins auxiliaires de niveau 2
- Partie 3 : Soins auxiliaires de niveau 3
- Partie 4 : Calcul du coût des soins auxiliaires
- Partie 5 : Signature du ou des évaluateurs

Veuillez remplir toutes les parties pertinentes. Vous devrez faire des copies et en remettre une :

- ☐ au demandeur
- ☐ au praticien de la santé du demandeur
- ☐ à la compagnie d'assurance du demandeur

Remarque: Les utilisateurs de la Formule I doivent également examiner les autres indemnités d'accident offertes en vertu de l'Annexe sur les indemnités d'accident légales pour le cas où le remboursement d'autres pertes et dépenses (comme les frais de travaux ménagers, d'entretien du domicile, de transport, de modification du domicile et d'autres frais médicaux et de réadaptation) serait possible.

Nom du demandeur

Nom du demandeur	Date de naissance
Numéro et rue	Date de l'accident
Ville	Province
	Code postal
Nom du titulaire de la police (s'il ne s'agit pas du demandeur)	N° de la police

Date de la présente évaluation :

S'agit-il de la première évaluation de ce demandeur? Oui ☐ Non ☐

Date de la dernière évaluation

Indemnité mensuelle actuelle

Praticien de la santé du demandeur

Nom du praticien de la santé	N° de téléphone
Etablissement	
Numéro et rue	
Ville	Province
	Code postal

Compagnie d'assurance

Dénomination sociale	N° de téléphone
Numéro et rue	
Ville	Province
	Code postal
Nom du titulaire de la police	N° de la police

**Partie 1 :
Soins
auxiliaires
de niveau 1**

Les soins auxiliaires de niveau 1 sont consacrés aux soins personnels ordinaires. Veuillez évaluer les besoins du demandeur pour chaque activité de la liste. Estimez la durée de chacune et le nombre de fois par semaine qu'elle devrait être accomplie. Multipliez le nombre de minutes par le nombre de fois par semaine pour obtenir le nombre total de minutes par semaine à consacrer à chacune des activités.

S'habiller

	Nombre de minutes	Nombre de fois par semaine	Total des minutes par semaine
Haut du corps (par exemple : sous-vêtements, chemise ou blouse, chandail, cravate, veste, gants, bijoux)			
Bas du corps (par exemple : sous-vêtements, slip jetable, jupe ou pantalon, chaussettes, bas-culotte, pantoufles, chaussures)			
Total partiel			

**Se
deshabiller**

Haut du corps (par exemple : sous-vêtements, chemise ou blouse, chandail, cravate, veste, gants, bijoux)			
Bas du corps (par exemple : sous-vêtements, slip jetable, jupe ou pantalon, chaussettes, bas-culotte, pantoufles, chaussures)			
Total partiel			

Prothèses

Fixer la prothèse de membre supérieur ou inférieur et les chaussettes prothétiques			
Changer les accessoires terminaux et ajuster la prothèse, au besoin			
S'assurer du bon entretien et du bon fonctionnement de la prothèse			
Total partiel			

Orthèses

Aider le demandeur à revêtir les orthèses prescrites (par exemple : vêtements pour brûlés, attelles, supports, gouttières ou bes à varices)			
Total partiel			

Suite de la partie 1 ...

	Nombre de minutes	Nombre de fois par semaine	Total des minutes par semaine
Toilette			
Visage : laver, rincer, sécher matin et soir			
Mains : laver, rincer, sécher matin et soir, avant et après les repas ainsi qu'après élimination			
Rasage : raser le demandeur au moyen d'un rasoir électrique ou de sûreté			
Maquillage : appliquer le maquillage sur demande ou au besoin			
Cheveux :			
brosser et peigner au besoin			
laver et sécher à l'aide d'un séchoir ou d'une serviette			
faire la mise en plis, coiffer ou donner un coup de peigne			
Ongles des mains : nettoyer et manucurer au besoin			
Ongles des orteils : nettoyer et couper au besoin			
Total partiel			

Alimentation			
Préparer le demandeur pour les repas (y compris l'amener au lieu du repas)			
Préparer le repas du demandeur, puis le servir et le faire manger ou aider à ce faire			
Total partiel			

Mobilité (déplacements)			
Aider le demandeur à se lever d'une position assise (par exemple d'un fauteuil roulant, d'une chaise, d'un sofa)			
Superviser ses pas ou l'aider à marcher			
L'aider dans ses déplacements au besoin (par exemple pour passer du lit au fauteuil roulant, et vice-versa)			
Total partiel			

Suite de la partie 1 ...

Lessive additionnelle

	Nombre de minutes	Nombre x de fois par semaine	Total des = minutes par semaine
Laver la literie du demandeur et ses vêtements à la suite d'incontinence ou si celui-ci renverse quelque chose			
Laver ou nettoyer le matériel orthétique qui demande un entretien particulier			
Total partiel			

Total de la partie 1 : Additionnez tous les totaux partiels de la partie 1. Inscrivez le total ici et à la partie 4, page 8.

Partie 2 : Soins auxiliaires de niveau 2

Les soins auxiliaires de niveau 2 sont consacrés aux fonctions de surveillance élémentaires. Veuillez évaluer les besoins du demandeur pour chaque activité de la liste. Estimez la durée de chacune et le nombre de fois par semaine qu'elle devrait être accomplie. Multipliez le nombre de minutes par le nombre de fois par semaine pour obtenir le nombre total de minutes par semaine à consacrer à chacune des activités.

Hygiène

	Nombre de minutes	Nombre x de fois par semaine	Total des = minutes par semaine
Salle de bains			
Nettoyer la baignoire, la douche, le lavabo ou la toilette après usage			
Chambre à coucher			
Changer la literie du demandeur, faire le lit, nettoyer la chambre, y compris les lève-malades, les barres aériennes, les tables de nuit			
S'assurer du confort et de la sécurité de la pièce			
Soin des vêtements			
Aider à préparer l'habillement quotidien			
Pendre les vêtements et trier les vêtements pour la lessive ou le nettoyage			
Total partiel			

Soins de surveillance élémentaires

	Nombre de minutes	Nombre x de fois par semaine	Total des = minutes par semaine
Le demandeur est incapable de raccorder le tube à la trachée s'il s'en détache			
Le demandeur a besoin d'aide pour sortir du fauteuil roulant, pour changer de position à intervalles réguliers, pour les soins génito-urinaires			
Le demandeur est incapable de s'asseoir dans un fauteuil roulant et d'en sortir sans aide ou d'être autonome en cas d'urgence			
Le demandeur est incapable de réagir à une urgence ou a besoin de soins en milieu surveillé en raison de changements de comportement			
Total partiel			

Coordination des soins auxiliaires

	Nombre de minutes	Nombre x de fois par semaine	Total des = minutes par semaine
Le demandeur a besoin d'aide pour coordonner ou programmer les soins auxiliaires (1 heure par semaine au maximum)			
Total partiel			

Total de la partie 2 : Additionnez tous les totaux partiels de la partie 2. Inscrivez le total ici et à la partie 4, page 8.

Partie 3 : Soins auxiliaires de niveau 3

Les soins auxiliaires de niveau 3 sont consacrés aux fonctions complexes en matière de soins de santé ou d'hygiène. Veuillez évaluer les besoins du demandeur pour chaque activité de la liste. Estimez la durée de chacune et le nombre de fois par semaine qu'elle devrait être accomplie. Multipliez le nombre de minutes par le nombre de fois par semaine pour obtenir le nombre total de minutes par semaine à consacrer à chacune des activités.

Appareil généto- urinaire

	Nombre de minutes	Nombre x de fois par semaine	Total des minutes par semaine
Effectuer des cathétérismes			
Installer, vider et nettoyer les systèmes de drainage			
Laver le demandeur et nettoyer l'équipement après utilisation ou en cas d'incontinence			
Se servir de slips jetables au besoin			
S'occuper des besoins rattachés au cycle menstruel au besoin			
Surveiller les résidus			
Total partiel			

Soins Intestinaux

Administrer des lavements ou introduire des suppositoires et exécuter des stimulations ou disimpactions			
Administrer des soins post-colostomie ou post-iléostomie			
Installer, vider et nettoyer les systèmes de drainage, y compris les anses iliales			
Se servir de slips jetables au besoin			
Laver le demandeur et nettoyer l'équipement après utilisation ou en cas d'élimination			
Total partiel			

Soins post- trachéostomie

Changer les cathéters internes et externes au besoin et les nettoyer			
Changer le sparadrap au besoin			
Exécuter des aspirations au besoin			
Nettoyer et entretenir l'aspirateur			
Total partiel			

Contrôle du ventilateur

S'assurer que la pression et le volume sont maintenus de la façon prescrite			
Maintenir l'humidification selon les indications			
Changer et nettoyer les tubes et les filtres au besoin			
Nettoyer le système d'humidification au besoin			
Régler l'appareil selon les besoins du demandeur (par exemple en cas de rhume ou de congestion)			
Raccorder les tubes s'ils se détachent			
Total partiel			

Suite de la partie 3 ...

Exercice

	Nombre de minutes	x	Nombre de fois par semaine	=	Total des minutes par semaine
Aider le demandeur à faire ses exercices ou ses étirements selon le programme prescrit					
Aider le demandeur à marcher avec des béquilles, des cannes, des attelles ou un déambulateur					
Total partiel					

**Soins de la
peau**
(sauf le bain)

S'occuper des soins de la peau : plaies, lésions, éruptions (cas d'amputations, de brûlures profondes, de lésions de la moëlle épinière, etc.)			
Appliquer des médicaments et les pansements prescrits			
Appliquer les crèmes, lotions, pâtes, pommades, poudres de la façon prescrite ou au besoin			
Examiner les parties du corps pour repérer les plaies de pression, les ruptures de l'épiderme ou les éruptions			
Changer le demandeur de position à intervalles réguliers pour éviter ou réduire les plaies de pression ainsi que les ruptures de l'épiderme et les déchirures de la peau			
Total partiel			

Médicaments

Par voie orale			
Administer les médicaments prescrits			
Surveiller la prise des médicaments et leur effet			
Assurer l'approvisionnement en médicaments et leur contrôle			
Par Injection			
Administer les médicaments prescrits			
Surveiller la prise des médicaments et leur effet			
Assurer l'approvisionnement en médicaments et leur contrôle			
Par Inhalothérapie ou oxygénothérapie			
Administer la dose prescrite au besoin			
Assurer l'approvisionnement en fournitures et leur contrôle			
Nettoyer et entretenir l'équipement			
Total partiel			

Suite de la partie 3 ...

	Nombre de minutes	Nombre de fois par semaine	Total des minutes par semaine
Bain			
Baignoire ou douche			
Faire passer le demandeur du lit, du fauteuil roulant ou des lève-malades à la baignoire ou à la douche, et vice-versa			
Laver et essuyer le demandeur			
Appliquer les crèmes, lotions, pâtes, pommades, poudres de la façon prescrite ou au besoin			
Bassin hygiénique			
Préparer le matériel			
Laver et essuyer le demandeur			
Appliquer les crèmes, lotions, pâtes, pommades, poudres de la façon prescrite ou au besoin			
Nettoyer et entretenir le matériel, notamment le bassin hygiénique			
Hygiène bucco-dentaire			
Brosser les dents et passer le soie dentaire			
Désinfecter la bouche au besoin			
Nettoyer les dentiers au besoin			
Total partiel			

Autres traitements	Stimulation électrique nerveuse percutanée (TENS)			
	Préparer l'appareil			
	Administer le traitement de la façon prescrite ou au besoin			
	Stimulation de la colonne vertébrale (DCS)			
	Examiner la peau			
	Entretenir l'appareil			
	Total partiel			

Suite de la partie 3 ...

	Nombre de minutes	Nombre de fois par semaine	Total des minutes par semaine
Entretien des fournitures et de l'équipement	Surveiller, commander et entretenir les fournitures ainsi que l'équipement nécessaires		
	S'assurer que les fauteuils roulants, appareils prothétiques, lève-malades, chaises de douche et autre équipement médical spécialisé ainsi que les appareils et accessoires fonctionnels sont sans danger		
	Total partie		

Soins de surveillance spécialisés

La demandeur a besoin de soins de surveillance spécialisés en raison d'un comportement violent qui risque de le blesser ou de blesser quelqu'un d'autre.			
Total partie			

Total de la partie 3 : Additionnez tous les totaux partiels de la partie 3. Inscrivez le total ici et ci-dessous.

Partie 4 :
Calcul du coût des soins auxiliaires

L'évaluateur doit remplir la présente partie. Calculez l'indemnité mensuelle de soins auxiliaires pour les parties 1, 2 et 3. La somme des trois parties représentera le montant total évalué de l'indemnité mensuelle de soins auxiliaires.

	Total des minutes par semaine	Total des heures par semaine	Total des heures par mois	Taux horaire	Indemnité mensuelle de soins auxiliaires
Partie 1 (de la p. 4)	+ 60 =	× 4,3 =	×	10,53 \$	\$
Partie 2 (de la p. 4)	+ 60 =	× 4,3 =	×	7,00 \$	\$
Partie 3 (de la p. 8)	+ 60 =	× 4,3 =	×	16,86 \$	\$

Montant total évalué de l'indemnité mensuelle de soins auxiliaires

(Ce montant est assujéti aux plafonds permis par l'Annexe sur les indemnités d'accident légales)

Partie 5 :
Signature du ou des évaluateurs (Membre(s) d'une profession de la santé réglementée)

Nom du membre d'une profession de la santé réglementée		Numéro d'inscription		Profession: <input type="checkbox"/> Chiropraticien(ne) <input type="checkbox"/> Dentiste <input type="checkbox"/> Massothérapeute <input type="checkbox"/> Infirmier/infirmière <input type="checkbox"/> Ergothérapeute <input type="checkbox"/> Optométriste <input type="checkbox"/> Médecin <input type="checkbox"/> Physiothérapeute <input type="checkbox"/> Psychologue <input type="checkbox"/> Orthophoniste <input type="checkbox"/> Autre _____
Nom de l'établissement (s'il y a lieu)		Numéro de FAAS (s'il y a lieu)		
Numéro et rue				
Ville	Province	Code postal		
Numéro de téléphone	Poste	N° de télécopieur		
Courriel				
Par la présente, je confirme que, au meilleur de ma connaissance, les renseignements figurant dans la présente formule sont exacts. J'ai obtenu l'autorisation appropriée du demandeur pour la collecte, l'utilisation et la divulgation des renseignements soumis.				
Signature du membre d'une profession de la santé réglementée			Date (AAAA/MM/JJ)	

Formule 1 (08/03)
Page 8 de 8

37. Le présent règlement entre en vigueur le dernier en date du 1^{er} octobre 2003 et du jour de son dépôt.
29/03

made under the
MINING ACT

Made: June 25, 2003
Filed: July 3, 2003

Amending O. Reg. 240/00
(Mine Development and Closure under Part VII of the Act)

Note: Ontario Regulation 240/00 has not previously been amended.

1. Paragraphs 5 and 6 of subsection 3 (1) of Ontario Regulation 240/00 are revoked and the following substituted:

5. Surface stripping on mining lands where the area over which the surface stripping is carried out is greater than 10,000 square metres or where the volume of the surface stripping is greater than 10,000 cubic metres.
6. Surface stripping on mining lands where the area over which the surface stripping is carried out is greater than 2,500 square metres or where the volume of the surface stripping is greater than 2,500 cubic metres, if the surface stripping is carried out within 100 metres of a body of water.

2. Section 11 of the Regulation is revoked and the following substituted:

11. For the purpose of the reporting requirements referred to in clauses 140 (4) (b) and 141 (3) (b) of the Act, a closure plan shall include at least the items and information set out in Schedule 2 in the order in which the Schedule sets out the items and information to be included.

3. (1) Section 12 of the Regulation is amended by adding the following subsection:

(1.1) In subsections (2) to (10), a reference to a closure plan includes an amendment to a closure plan.

(2) Clauses 12 (4) (e) and (f) of the Regulation are revoked and the following substituted:

- (d) if the certificate is not based on personal examination of the project, indicate the source of the information assessed before making the certificate; and
- (e) contain details of any direct or indirect interest, current or expected, of the person providing the certificate or of a person who has provided information to that person, in the project of a corporate proponent or any of the proponent's affiliates, including any direct or indirect beneficial ownership in the securities of the proponent or any of its affiliates.

(3) Subsection 12 (5) of the Regulation is amended by striking out "For the purposes of clause (4) (f)" and substituting "For the purposes of clause (4) (e)".

4. Paragraph 2 of subsection 15 (6) of the Regulation is amended by striking out "mill".

5. Paragraph 1 of subsection 16 (1) of the Regulation is revoked.

6. Paragraph 1 of subsection 17 (1) of the Regulation is revoked.

7. (1) Section 10 of Schedule 1 to the Regulation is amended by striking out "30" and substituting "90".

(2) Paragraph 3 of subsection 41 (2) of Schedule 1 to the Regulation is amended by striking out "waterhouse" and substituting "watercourse".

(3) Subsection 47 (1) of Schedule 1 to the Regulation is revoked and the following substituted:

(1) Surface water chemical monitoring shall be conducted for the following:

1. Discharge or seepage exiting on-site sources.
2. Discharge or seepage exiting the property boundary.
3. On-site water bodies and water bodies downstream from the site.
4. Background reference sites.

(4) Section 62 of Schedule 1 to the Regulation is amended by striking out "plus" in the portion before clause (a) and substituting "plugs".

29/03

Publications en vertu de la Loi sur les règlements

2003—07—26

ONTARIO REGULATION 283/03

made under the

CORPORATIONS TAX ACT

Made: June 4, 2003

Filed: July 7, 2003

Amending Reg. 183 of R.R.O. 1990
(General)

Note: Since the end of 2002, Regulation 183 has been amended by Ontario Regulation 232/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Part II of Regulation 183 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

ELECTRICITY GENERATION AND CONSERVATION

204. (1) In this section,

“alternative or renewable source of energy” means a source of energy that produces electricity from wind, water, a biomass resource, hydrogen, biogas, biofuel, landfill gas, an eligible fossil fuel, uranium, solar energy, geothermal energy, tidal forces or thermal waste;

“biofuel” means a liquid fuel or product made from a biomass resource and includes the liquid fuels ethanol, methanol and biodiesel;

“biogas” means a gaseous fuel or product derived from a biomass resource;

“biomass resource” means organic matter that is derived from a plant and available on a renewable basis, including organic matter derived from dedicated energy crops, dedicated trees, agricultural food and feed crops, and waste organic material from harvesting or processing agricultural products, forestry products and sewage;

“consumer” means a person who,

(a) purchases electricity, steam, heated water or cooled water for the person’s own use,

(b) produces electricity, steam, heated water or cooled water for the person’s own use, or

(c) purchases electricity, steam, heated water or cooled water for distribution to a person in Ontario for that person’s own use;

“eligible fossil fuel” means natural gas, blast furnace gas, coke oven gas, basic oxygen furnace gas or peat;

“eligible partnership” means, in respect of a fiscal period, a partnership all of whose members throughout the fiscal period are,

(a) corporations, or

(b) persons exempt under subsection 149 (1) of the *Income Tax Act* (Canada) from the payment of tax under that Act;

“forestry products” include wood waste;

“IMO-controlled grid” has the same meaning as in section 2 of the *Electricity Act, 1998*;

“qualifying nuclear facility” means unit 1 of the Bruce nuclear generating station A, unit 2 of the Bruce nuclear generating station A, unit 1 of the Pickering nuclear generating station A, unit 2 of the Pickering nuclear generating station A or unit 3 of the Pickering nuclear generating station A;

“waste organic material” includes animal waste and rendered animal fat.

(2) References in this section to a taxpayer shall be read as references to a corporation or an eligible partnership and references to a taxation year in respect of a taxpayer that is an eligible partnership shall be read as references to a fiscal period of the partnership.

(3) For the purposes of this section and subject to subsection (5), the following types of property of a taxpayer are qualifying Ontario electrical generation and conservation property of the taxpayer:

1. Property, other than transmission equipment or distribution equipment, that is substantially used, or that is part of a system that is substantially used, by the taxpayer, or by a person to whom the taxpayer leases the property, to generate electricity in Ontario all or substantially all of which is generated from one or more alternative or renewable sources of energy, if the property would be,
 - i. property described in Class 43.1 of Schedule II of the regulations made under the *Income Tax Act* (Canada) if,
 - A. the description of that Class were read without reference to clauses (c) (i) (B), (c) (ii) (B) and (d) (ii) (A), and
 - B. subparagraph (d) (iii) of the description of that Class were read without reference to the words "if the resulting annual average generating capacity of the hydro-electric installation does not exceed 15 megawatts", or
 - ii. equipment described in Class 1, 8 or 17 of Schedule II of the regulations made under the *Income Tax Act* (Canada).
2. Property used primarily to deliver to a consumer in Ontario or to the IMO-controlled grid electricity that is generated by,
 - i. the taxpayer using qualifying Ontario electrical generation and conservation property of the taxpayer described in paragraph 1, or
 - ii. a person to whom the taxpayer leased qualifying Ontario electrical generation and conservation property of the taxpayer described in paragraph 1.
3. Property that is piping, pumps, meters, control equipment, heat exchangers and other types of property used primarily in the delivery to a consumer in Ontario of steam, heated water or cooled water that is,
 - i. produced using qualifying Ontario electrical generation and conservation property of the taxpayer described in paragraph 1, and
 - ii. produced by the taxpayer or the person to whom the taxpayer leased the property referred to in subparagraph i.

(4) For the purposes of paragraph 1 of subsection (3),

- (a) a taxpayer substantially uses property to generate electricity if the total useful energy output of the property is at least 20 per cent of the total energy input to the property and if the electrical energy output of the property is at least 25 per cent of the total useful energy output of the property; and
- (b) a taxpayer substantially uses a system to generate electricity if the total useful energy output of the system is at least 20 per cent of the total energy input to the system and if the electrical energy output of the system is at least 25 per cent of the total useful energy output of the system.

(5) Subject to subsection (6), a property is a qualifying Ontario electrical generation and conservation property of a taxpayer if the following criteria are satisfied:

1. For property that generates or is part of a system that generates electricity from uranium,
 - i. the property is used to generate electricity or is part of a system used to generate electricity at a qualifying nuclear facility, and
 - ii. the taxpayer acquired the property after June 1, 2003 and before January 1, 2008.
2. For any other property, the taxpayer acquired the property after November 25, 2002 and before January 1, 2008.

(6) Property referred to in subsection (5) that is used to generate electricity or is part of a system used to generate electricity at more than one nuclear facility is a qualifying Ontario electrical generation and conservation property only to the extent that the property or system is used to generate electricity at a qualifying nuclear facility and only if the criterion set out in subparagraph 1 ii of subsection (5) is also satisfied.

(7) The Minister of Energy or his or her delegate may give opinions to taxpayers or to the Minister of Finance relating to engineering and scientific matters raised in the interpretation of the definitions in subsection (1) and in the interpretation of subsection (4), and any opinion given by the Minister of Energy or his or her delegate with respect to those matters is conclusive for the purposes of this section.

deduction for the year in respect of the property under section 201.

(9) The amount of the deduction described in subsection (8) is an amount not exceeding the amount that would be the undepreciated capital cost of the qualifying Ontario electrical generation and conservation property as of the end of the taxation year before any deduction for the year under this section.

(10) Subject to the following rules, Part XI of the regulations made under the *Income Tax Act* (Canada), including the definitions contained in subsection 1104 (13), apply for the purposes of this section:

1. All references to property described in Class 43.1 in Schedule II of those regulations shall be read as if they were references to qualifying Ontario electrical generation and conservation property as defined in this section.
2. Subsection 1100 (2) does not apply for the purposes of determining the amount of a deduction under this section in respect of qualifying Ontario electrical generation and conservation property.
3. All references to "fossil fuel" in Part XI of the regulations shall be read as if they were references to "eligible fossil fuel" as defined in this section.

(11) Despite subsection (5), a corporation or, in the case of an eligible partnership, all of the members of the eligible partnership may elect to treat property that satisfies the following conditions, other than property described in subsection (12), as qualifying Ontario electrical generation and conservation property for the purposes of the deduction allowed under this section:

1. The property was acquired by the corporation or eligible partnership after October 30, 1998 and before November 26, 2002.
2. The property would be qualifying Ontario electrical generation and conservation property of the corporation or eligible partnership if it had been acquired after November 25, 2002 and before January 1, 2008.

(12) The election described in subsection (11) does not apply to qualifying Ontario electrical generation and conservation property that is used to generate electricity from uranium.

(13) The capital cost and undepreciated capital cost to a taxpayer of property that is the subject of an election under subsection (11) shall be deemed, immediately after the election is made, to be the same as the capital cost and undepreciated capital cost of the property to the taxpayer immediately before the election.

(14) An election under subsection (11) shall be made by attaching a letter to the tax return delivered under the Act by the corporation or by each member of the eligible partnership, as the case may be, for the first taxation year ending after November 25, 2002 for which a deduction is claimed under this section by the corporation or by the eligible partnership in respect of the property.

(15) Despite subsection (14), the Minister may accept a late election that is filed not later than the third anniversary of the date by which the tax return referred to in subsection (14) is required to be delivered under the Act.

(16) For the purposes of this section, a reference to the regulations made under the *Income Tax Act* (Canada) shall be deemed to be a reference to those regulations as amended from time to time; and those regulations shall be read as if the following amendments had been made to them:

1. The draft amendments set out as Appendices A to I in *Explanatory Notes Relating to Income Tax*, dated March 2001, published by the Department of Finance (Canada).
2. The draft amendments set out in Appendices B and C in *Explanatory Notes Relating to the Air Travellers Security Charge and to Income Tax*, dated February 2002, published by the Department of Finance (Canada). However, the proposed subparagraph (d) (iii.1) of Class 43.1 shall be read without reference to the words "if the resulting rated capacity at the hydro-electric installation site does not exceed 50 megawatts".

30/03

ONTARIO REGULATION 284/03

made under the

RETAIL SALES TAX ACT

Made: June 26, 2003

Filed: July 7, 2003

Amending Reg. 1012 of R.R.O. 1990
(Definitions by Minister, Exemptions, Forms and Rebates)

Note: Since the end of 2002, Regulation 1012 has been amended by Ontario Regulation 189/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The title to Regulation 1012 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

DEFINITIONS, EXEMPTIONS AND REBATES

2. The Regulation is amended by adding the following section:

REBATE UNDER CLAUSE 48 (3) (q) OF THE ACT

31.1 (1) Subject to subsection (12), the Minister may rebate to the owner of an eligible electricity generating facility or eligible deep lake-water cooling facility an amount with respect to the tax paid under the Act in respect of eligible tangible personal property,

- (a) that is purchased and incorporated after November 25, 2002 and before January 1, 2008 into an eligible electricity generating facility that is not a qualifying nuclear facility or into an eligible deep lake-water cooling facility; or
- (b) that is purchased and incorporated after June 1, 2003 and before January 1, 2008 into an eligible electricity generating facility that is a qualifying nuclear facility.

(2) The following property is eligible tangible personal property for the purposes of clause 48 (3) (q) of the Act and this section:

- 1. Tangible personal property that is incorporated into an eligible electricity generating facility, but not tangible personal property that is otherwise eligible for exemption under the Act.
- 2. Tangible personal property that is incorporated into an eligible deep lake-water cooling facility, but not tangible personal property that is otherwise eligible for exemption under the Act.

(3) In this section,

“alternative or renewable source of energy” has the same meaning as in section 204 of Regulation 183 of the Revised Regulations of Ontario, 1990 (General) made under the *Corporations Tax Act*;

“district cooling” means the cooling of more than one building through the distribution by underground pipes of cooling fluid from a central location;

“district heating” means the heating of more than one building through the distribution by underground pipes of steam or heated water from a central location;

“eligible deep lake-water cooling facility” means a facility in Ontario, including qualifying property, that uses the constantly cold water found at the bottom of a lake to cool the fluid circulated through a district cooling system;

“eligible electricity generating facility” means a facility in Ontario, excluding residential premises and multi-residential premises and including qualifying property incorporated into the facility,

- (a) that is substantially used to generate electricity all or substantially all of which is generated from alternative or renewable sources of energy, and
- (b) that generates the electricity for its own consumption or for delivery to a person in Ontario or to the IMO-controlled grid, and
- (c) that is not a non-qualifying nuclear facility;

“IMO-controlled grid” has the same meaning as in subsection 2 (1) of the *Electricity Act, 1998*;

“non-qualifying nuclear facility” means a nuclear facility that is not a qualifying nuclear facility;

"qualifying nuclear facility" has the same meaning as in section 204 of Regulation 183 of the Revised Regulations of Ontario, 1990 (General) made under the *Corporations Tax Act*;

"qualifying property" means,

- (a) tangible personal property used to deliver electricity to a person in Ontario or to the IMO-controlled grid,
- (b) tangible personal property used to convey water to a hydro-electric turbine or to a reservoir that supplies water to a hydro-electric turbine,
- (c) tangible personal property used to collect water for a deep lake-water cooling facility or to distribute fluid through a district cooling system, and includes production machinery and equipment that is not otherwise eligible for exemption under the Act, and
- (d) tangible personal property used in the distribution of steam or heated water for the purposes of district heating.

(4) For the purposes of the definition of "eligible electricity generating facility", the facility is substantially used to generate electricity if the total useful energy output of the facility is at least 20 per cent of the total energy input to the facility, and if the electrical energy output of the facility is at least 25 per cent of the total useful energy output of the facility.

(5) The amount of the rebate is determined as follows:

1. If the eligible tangible personal property was purchased by the owner of the eligible electricity generating facility or eligible deep lake-water cooling facility, the amount of the rebate is the amount of the tax paid under the Act by the owner in respect of the eligible tangible personal property.
2. Subject to subsection (6), if the eligible tangible personal property was purchased by a contractor and incorporated into the eligible electricity generating facility or eligible deep lake-water cooling facility under a written construction contract, the amount of the rebate is determined as follows:
 - i. For payments made by the owner of the facility in satisfaction of the contract price that are subject to the tax imposed by Part IX of the *Excise Tax Act* (Canada), 3 per cent of the sum of those payments and that tax.
 - ii. For all other payments made by the owner of the facility in satisfaction of the contract price, 3.4 per cent of those payments.

(6) The payments referred to in paragraph 2 of subsection (5) that are used to calculate the amount of a rebate under this section shall not include any amount paid under the construction contract that can reasonably be attributed to the following:

1. Land or land improvement cost.
2. The cost of obtaining a performance bond.
3. Charges for development or for project consulting services.
4. Architect's fees.
5. Building permit fees.
6. Charges for temporary facilities.
7. The costs of demolition.
8. Equipment rental charges.
9. The cost of tangible personal property that may be exempt from tax under the Act otherwise than under this section.

(7) If the amount of the rebate is determined under paragraph 2 of subsection (5) and the owner of the facility establishes that the amount of the rebate determined under that paragraph is less than the amount of the tax paid under the Act by the contractor on the purchase of the eligible tangible personal property, the amount of the rebate is the amount of the tax paid by the contractor.

(8) The Minister of Energy or his or her delegate may give opinions to taxpayers or to the Minister of Finance relating to engineering and scientific matters raised in the interpretation of the definitions in subsection (3) and in the interpretation of subsection (4) or (5), and any opinion given by the Minister of Energy or his or her delegate with respect to those matters is conclusive for the purposes of this section.

(9) If the construction contract requires that progress payments on account of the contract price be made by the owner, the rebate may be paid by instalments equal to the appropriate percentage of each progress payment made by the owner.

(10) If an eligible electricity generating facility ceases to be an eligible electricity generating facility on or before the fourth anniversary of the last rebate payment made under this section in respect of the facility, the owner shall repay the amount of the rebate in full at the time and in the manner specified by the Minister.

(11) For the purposes of subsection (10), an eligible electricity generating facility ceases to be an eligible electricity generating facility if more than 10 per cent of the electricity generated by the facility in a year, other than amounts conveyed to the IMO-controlled grid, is used outside Ontario.

(12) No rebate is payable under this section unless an application for the rebate,

(a) is made in writing and includes such information and documents as the Minister may specify; and

(b) is made before the fourth anniversary of the day on which the tax or payment under the contract was made to which the rebate relates.

JANET LYNNE ECKER
Minister of Finance

Dated on June 26, 2003.

30/03

ONTARIO REGULATION 285/03

made under the

ASSESSMENT ACT

Made: June 26, 2003

Filed: July 7, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Ontario Regulation 282/98 is amended by adding the following Part:

PART IV.1 EXEMPTIONS

ALTERNATIVE OR RENEWABLE SOURCES OF ENERGY

28. (1) The following are prescribed sources of energy for the purposes of the definition of "alternative or renewable source of energy" in subsection 3.1 (1) of the Act:

1. Wind.
2. Water.
3. A biomass resource.
4. Hydrogen.
5. A biogas.
6. A biofuel.
7. Landfill gas.
8. An eligible fossil fuel.
9. Solar energy.
10. Geothermal energy.
11. Tidal forces.
12. Thermal waste.

(3) In this section,

“biofuel” means a liquid fuel or product made from a biomass resource and includes the liquid fuels ethanol, methanol and biodiesel;

“biogas” means a gaseous fuel or product derived from a biomass resource;

“biomass resource” means organic matter that is derived from a plant and available on a renewable basis, including organic matter derived from dedicated energy crops, dedicated trees, agricultural food and feed crops, and waste organic material from harvesting or processing agricultural products, forestry products and sewage;

“eligible fossil fuel” means natural gas, blast furnace gas, coke oven gas, basic oxygen furnace gas or peat;

“forestry products” include wood waste;

“waste organic material” includes animal waste and rendered animal fat.

2. This Regulation shall be deemed to have come into force on November 26, 2002.

JANET LYNNE ECKER
Minister of Finance

Dated on June 26, 2003.

30/03

ONTARIO REGULATION 286/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: July 7, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03, 32/03, 125/03, 192/03, 193/03, 243/03, 244/03 and 245/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Niagara North (No. 30)	July 7, 2003

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Dated on February 10, 2003.

30/03

ONTARIO REGULATION 287/03

made under the

LAND REGISTRATION REFORM ACT

Made: February 10, 2003

Filed: July 7, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Since the end of 2002, Ontario Regulation 16/99 has been amended by Ontario Regulations 5/03, 6/03, 7/03, 31/03, 32/03, 125/03, 192/03, 193/03, 243/03, 244/03, 245/03 and 286/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

COLUMN 1	COLUMN 2
Niagara South (No. 59)	July 7, 2003

TIMOTHY PATRICK HUDAK

Minister of Consumer and Business Services

Dated on February 10, 2003.

30/03

ONTARIO REGULATION 288/03

made under the

MUNICIPAL ACT, 2001

Made: June 25, 2003

Filed: July 8, 2003

Amending O. Reg. 239/02

(Minimum Maintenance Standards for Municipal Highways)

Note: Ontario Regulation 239/02 has not previously been amended.

1. Subsection 2 (1) of Ontario Regulation 239/02 is revoked and the following substituted:

(1) This Regulation sets out the minimum standards of repair for highways under municipal jurisdiction for the purpose of clause 44 (3) (c) of the Act.

FRANK F. KLEES

Minister of Transportation

Dated on June 25, 2003.

30/03

PLANNING ACT

Made: July 7, 2003
Filed: July 8, 2003

Amending O. Reg. 834/81
(Restricted Areas — Territorial District of Sudbury)

Note: Since the end of 2002, Ontario Regulation 834/81 has been amended by Ontario Regulation 206/03. Previous amendments are listed in the Statutes of Ontario, 1991 and in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. Section 4 of Schedule 1 to Ontario Regulation 834/81 is revoked and the following substituted:

4. (1) Despite sections 4 and 22 of the Order, every use of land and every erection, location or use of buildings or structures on the land is prohibited except one seasonal dwelling per lot together with accessory buildings and structures on the land described in subsection (3) if the following requirements are met:

Minimum lot area	2,000 square metres
Minimum lot frontage	30 metres
Maximum lot coverage	30 per cent
Minimum front yard	20 metres
Minimum side yards	3 metres
Minimum rear yard	8 metres
Maximum height of building	9 metres

(2) Despite sections 4, 5 and 22 of the Order, every use of land and every erection, location or use of buildings or structures is prohibited on the land described in subsection (4).

(3) Subsection (1) applies to the land in the geographic Township of Hess in the District of Sudbury, being Lots 1 to 8, inclusive, on Registered Plan 53M-1298 and the remainder of Parcel 8333 Sudbury West Section, registered in the Land Registry Office for the Land Titles Division of Sudbury (No. 53).

(4) Subsection (2) applies to the land in the geographic Township of Hess in the District of Sudbury, being Blocks 9 and 10 on Registered Plan 53M-1298, registered in the Land Registry Office for the Land Titles Division of Sudbury (No. 53).

C. BLANCHER-SMITH
Northeastern Regional Director (Acting)
Northeastern Municipal Services Office
Ministry of Municipal Affairs and Housing

Dated on July 7, 2003.

30/03

ONTARIO REGULATION 290/03

made under the

ONTARIO DRUG BENEFIT ACT

Made: May 28, 2003

Filed: July 9, 2003

Amending O. Reg. 201/96
(General)

Note: Since the end of 2002, Ontario Regulation 201/96 has been amended by Ontario Regulations 88/03 and 90/03. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 18, 2003.

1. (1) Subsection 13 (3) of Ontario Regulation 201/96 is amended by striking out "\$3.00" at the end and substituting "\$3.03".

(2) Subsection 13 (4) of the Regulation is amended by striking out "\$6.47" at the end and substituting "\$6.54".

2. (1) Clause 17 (2) (b) of the Regulation is amended by striking out "\$4.24" at the end and substituting "\$4.28".

(2) Clause 17 (2) (c) of the Regulation is amended by striking out "\$5.05" at the end and substituting "\$5.10".

3. This Regulation shall be deemed to have come into force on April 1, 2003.

30/03

ONTARIO REGULATION 291/03

made under the

RETAIL SALES TAX ACT

Made: July 15, 2003

Filed: July 16, 2003

Amending Reg. 1012 of R.R.O. 1990
(Definitions, Exemptions and Rebates)

Note: Regulation 1012 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Regulation 1012 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

14.4 (1) For the purposes of paragraph 68 of subsection 7 (1) of the Act,

"reinforced concrete" means ready-mix concrete and includes any embedded or attached reinforcing material.

(2) For the purposes of this section,

"exempt machinery" means machinery or equipment that is exempt from tax under paragraph 40 of subsection 7 (1) of the Act.

(3) For the purposes of paragraph 68 of subsection 7 (1) of the Act, reinforced concrete used in the construction of a structure to be used by a manufacturer directly in the manufacture or production of tangible personal property is exempt from tax if any of the following circumstances exist:

1. The structure is used directly and exclusively as an integral component of exempt machinery.
2. The structure is used directly and exclusively to detect, prevent, measure, treat, reduce or remove pollutants to water, soil or air, but only if the pollutants are attributable to the manufacture or production of tangible personal property.
3. The structure is used as a foundation or base that forms an integral part of exempt machinery, but only if the structure is required by engineering specifications for the purpose of vibration protection or elevation in order to permit gravity feeds during the manufacturing or production process.
4. The structure is used as an elevated access to exempt machinery for operational and maintenance purposes.

4. This Regulation shall be deemed to have come into force on June 18, 2002.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: July 15, 2003.

30/03

ONTARIO REGULATION 292/03

made under the

ELECTRICITY ACT, 1998

Made: July 10, 2003
Filed: July 18, 2003

Amending O. Reg. 124/99
(Transfer Tax on Municipal Electricity Property)

Note: Ontario Regulation 124/99 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 3 of Ontario Regulation 124/99 is amended by adding the following subsection:

(18) Subsection 94 (1) of the Act does not apply to a transfer of an interest in property made after March 27, 2003 and before March 28, 2005 if,

- (a) the transfer is made to a municipal corporation in Ontario that, at the time of the transfer, is exempt under subsection 149 (1) of the *Income Tax Act* (Canada) from the payment of tax under that Act, and the interest that is transferred is an interest in a corporation, partnership or other entity that derives its value in whole or in part from real or personal property that has been used in connection with generating, transmitting, distributing or retailing electricity;
- (b) the transfer is made to a municipal electricity utility that, at the time of the transfer, is exempt under subsection 149 (1) of the *Income Tax Act* (Canada) from the payment of tax under that Act; or
- (c) the transfer is made to Hydro One Inc., Ontario Power Generation Inc. or a subsidiary of Hydro One Inc. or Ontario Power Generation Inc. ("the transferee"), and, at the time of the transfer, the transferee is exempt under subsection 149 (1) of the *Income Tax Act* (Canada) from the payment of tax under that Act.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: July 16, 2003.

30/03

ONTARIO REGULATION 293/03

made under the

CONSERVATION LAND ACT

Made: May 15, 2003

Filed: July 18, 2003

CONSERVATION BODIES

Prescribed conservation bodies

1. The following are prescribed as conservation bodies for the purpose of clause (h) of the definition of “conservation body” in subsection 3 (1) of the Act:

1. A prescribed donee under the *Income Tax Act* (Canada).
2. A qualified organization, as defined under section 170 (h) of the *Internal Revenue Code* (United States) and Treasury Reg 1.170A-14 (United States).
3. A corporation created by statute that is a registered charity under the *Income Tax Act* (Canada).

JERRY J. OUELLETTE
Minister of Natural Resources

Dated July 16, 2003.

30/03

ONTARIO REGULATION 294/03

made under the

EMPLOYMENT STANDARDS ACT, 2000

Made: July 18, 2003

Filed: July 18, 2003

TERMS AND CONDITIONS OF EMPLOYMENT IN DEFINED INDUSTRIES — CITY OF TORONTO PUBLIC TRANSIT

Definition

1. In this Regulation,
“defined industry” means the industry of providing public transit services in the City of Toronto.

Terms and conditions of employment

2. (1) This Regulation sets out terms and conditions of employment that apply to employees and employers in the defined industry.

(2) Except as modified by this Regulation, the Act applies to employers and employees in the defined industry.

Hours of work

3. (1) An employer may permit an employee to work any number of hours in excess of an amount set out in subsection 17 (1) of the Act if,

- (a) the employee agrees to work those hours; and
 - (b) the employee will not work more than 78 hours in a work week.
- (2) Subsection (1) applies instead of subsection 17 (2) of the Act.

at least 8 consecutive hours substituted.

Revocation

5. This Regulation is revoked on August 5, 2003.

Commencement

6. This Regulation comes into force on July 29, 2003.

30/03



**Publications under the Regulations Act
Publications en vertu de la Loi sur les règlements**

2003—08—09

ONTARIO REGULATION 295/03

made under the

VINTNERS QUALITY ALLIANCE ACT, 1999

Made: July 15, 2003
Approved: July 17, 2003
Filed: July 21, 2003

Amending O. Reg. 406/00

(Rules of Vintners Quality Alliance Ontario under Clauses 5 (1) (a), (b) and (c) of the Act Relating to Terms, Descriptions and Designations for VQA Wine)

Note: Ontario Regulation 406/00 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 3 of Ontario Regulation 406/00 is amended by adding the following subsection:

(7.1) Despite subsection (7), no VQA wine shall contain grape juice, grape must or wine originating from grapes harvested in 2001 except if the wine is vintage-dated 2001 or is Late Harvest Wine or Icewine.

Made by:

VINTNERS QUALITY ALLIANCE ONTARIO:

LEONARD PENNACHETTI
Chair

PAUL SPECK
Vice-Chair

Date made: July 15, 2003.

I certify that I have approved this Regulation.

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Date approved: July 17, 2003.

32/03

ONTARIO REGULATION 296/03

made under the

EDUCATION ACT

Made: July 22, 2003

Filed: July 23, 2003

Amending O. Reg. 3/02

(Tax Relief in Unorganized Territory for 2001 and Subsequent Years)

Note: Ontario Regulation 3/02 has not previously been amended.

1. The definition of “residential/farm property class” in subsection 2 (1) of Ontario Regulation 3/02 is revoked and the following substituted:

“residential property class” means,

- (a) the residential property class prescribed under the *Assessment Act* in respect of taxation years beginning on or after January 1, 2003, or
- (b) the residential/farm property class prescribed under that Act in respect of taxation years ending before January 1, 2003;

2. Section 3 of the Regulation is revoked and the following substituted:

Definition

3. In this Part,

“eligible property” means property or a portion of property classified in,

- (a) the residential property class for taxation years beginning on or after January 1, 2003, or
- (b) the residential/farm property class for taxation years ending before January 1, 2003.

3. (1) Subsection 6 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

Tax deferral

(1) The owner of a specified residential property is entitled to a deferral of taxes for a taxation year ending after December 31, 2000 if,

(2) Subsection 6 (2) of the Regulation is amended by adding the following definition:

“specified residential property” means, in respect of a taxation year,

- (a) a property in the residential property class if the taxation year begins on or after January 1, 2003, or
- (b) a property in the residential/farm property class if the taxation year ends before January 1, 2003;

4. Clause 19 (4) (c) of the Regulation is revoked and the following substituted:

- (c) property classified in the residential/farm property class, residential property class, farmlands property class, farm property class, managed forests property class or pipe line property class, as prescribed under the *Assessment Act*.

JANET LYNNE ECKER
Minister of Finance

Dated on: July 22, 2003.

32/03

ONTARIO REGULATION 297/03

made under the

MUNICIPAL ACT, 2001

Made: July 22, 2003

Filed: July 23, 2003

Amending O. Reg. 384/98
(Taxes — Universities and Other Institutions)

Note: Ontario Regulation 384/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. The title of Ontario Regulation 384/98 is revoked and the following substituted:

TAX MATTERS — UNIVERSITIES AND OTHER INSTITUTIONS

2. Section 1 of the Regulation is amended by striking out “subsections 157 (1), (3), (4), (5) and (6) of the Act” and substituting “subsections 323 (1), (2), (3), (4) and (5) of the Act”.

JANET LYNNE ECKER
Minister of Finance

Dated on: July 22, 2003.

32/03

ONTARIO REGULATION 298/03

made under the

MUNICIPAL ACT, 2001

Made: July 22, 2003

Filed: July 23, 2003

Amending O. Reg. 383/98
(Tax Matters — Farm Land Awaiting Development Subclasses, Tax Reduction Percentages)

Note: Ontario Regulation 383/98 has not previously been amended.

1. (1) Section 1 of Ontario Regulation 383/98 is amended by striking out “subsection 368.1 (1)” in the portion before paragraph 1 and substituting “subsection 313 (1)”.

(2) Paragraph 1 of section 1 of the Regulation is revoked and the following substituted:

1. The residential property class.

2. Sections 2 and 3 of the Regulation are revoked and the following substituted:

2. The percentage reduction for the first subclass for the residential property class shall be no less than the following lower limit and no more than the following upper limit:

1. The lower limit is the percentage equal to the percentage reduction for the subclass for the preceding taxation year minus 10 percentage points, to a minimum of 25 per cent.

2. The upper limit is the percentage equal to the percentage reduction for the subclass for the preceding taxation year plus 10 percentage points, to a maximum of 75 per cent.

3. The percentage reduction for a municipality for the first subclass for each property class, other than the residential property class, shall be determined in accordance with the following:

$$\text{percentage reduction} = 100 - \frac{100 - R}{T}$$

in which,

“R” is the percentage reduction for the municipality for the first subclass for the residential property class, and

“T” is the amount equal to the tax rate for the property class divided by the tax rate for the residential property class.

JANET LYNNE ECKER
Minister of Finance

Dated on: July 22, 2003.

32/03

ONTARIO REGULATION 299/03

made under the

MUNICIPAL ACT, 2001

Made: July 22, 2003

Filed: July 23, 2003

Amending O. Reg. 389/98

(Tax Matters — Increases in Tax Rates to Pay for Rebates)

Note: Ontario Regulation 389/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Subsection 1 (1) of Ontario Regulation 389/98 is amended by striking out “section 442.1 of the Act” and substituting “section 361 of the Act”.

(2) Subsection 1 (2) of the Regulation is revoked and the following substituted:

(2) The tax rate for a property class may be greater than would be allowed under paragraph 2 of subsection 311 (6) of the Act or paragraph 2 of subsection 312 (6) of the Act to the extent necessary to raise an amount sufficient to fund the rebates under section 361 of the Act on property in the property class.

2. (1) Subsection 2 (1) of the Regulation is amended by striking out “section 442.1 of the Act” in the portion before clause (a) and substituting “section 361 of the Act”.

(2) Clause 2 (1) (b) of the Regulation is amended by striking out “subsection 363 (20) of the Act” and substituting “subsection 308 (1) of the Act”.

(3) Subsection 2 (2) of the Regulation is revoked and the following substituted:

(2) The tax rates for the commercial classes may be greater than would be allowed under paragraph 2 of subsection 311 (6) of the Act or paragraph 2 of subsection 312 (6) of the Act to the extent necessary to raise an amount sufficient to fund the rebates described in subsection (1) on property in all the commercial classes subject to the requirement in subsection (3).

(4) Subsection 2 (3) of the Regulation is amended by striking out “section 363 of the Act” and substituting “section 308 of the Act”.

(5) Subsection 2 (4) of the Regulation is revoked and the following substituted:

(4) The tax rates for the industrial classes may be greater than would be allowed under paragraph 2 of subsection 311 (6) of the Act or paragraph 2 of subsection 312 (6) of the Act to the extent necessary to raise an amount sufficient to fund the rebates described in subsection (1) on property in all the industrial classes subject to the requirement in subsection (5).

308 of the Act".

JANET LYNNE ECKER
Minister of Finance

Dated on: July 22, 2003.

32/03

ONTARIO REGULATION 300/03

made under the

MUNICIPAL ACT, 2001

Made: July 22, 2003

Filed: July 23, 2003

Amending O. Reg. 325/01

(Tax Matters — Eligible Property under Section 442.5 of the Act)

Note: Ontario Regulation 325/01 has not previously been amended.

1. The title to Ontario Regulation 325/01 is revoked and the following substituted:

TAX MATTERS — ELIGIBLE PROPERTY UNDER SECTION 364 OF THE ACT

2. (1) Subsection 1 (1) of the Regulation is amended by striking out "section 442.5 of the Act" in the portion before clause (a) and substituting "section 364 of the Act".

(2) Subsection 1 (2) of the Regulation is amended by striking out "section 442.5 of the Act" in the portion before clause (a) and substituting "section 364 of the Act".

(3) Subsection 1 (3) of the Regulation is amended by striking out "section 442.5 of the Act" in the portion before clause (a) and substituting "section 364 of the Act".

(4) Subsection 1 (5) of the Regulation is amended by striking out "section 442.5 of the Act" in the portion before clause (a) and substituting "section 364 of the Act".

3. (1) Subsection 2 (2) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(2) The amount of taxes for a taxation year in respect of an eligible property to which the percentage specified in paragraph 2 or 3 of subsection 364 (2) of the Act or referred to in subsection 364 (4) of the Act is to be applied is determined as follows:

.

(2) Subsection 2 (3) of the Regulation is revoked and the following substituted:

(3) The amount of the rebate for the purposes of section 364 of the Act in respect of an eligible property is determined by multiplying the amount of taxes determined under subsection (2) in respect of the eligible property for the year by the percentage set out in paragraph 2 or 3 of subsection 364 (2) of the Act or referred to in subsection 364 (4) of the Act, whichever percentage applies.

4. Subsection 3 (1) of the Regulation is amended by striking out "section 442.5 of the Act" in the portion before paragraph 1 and substituting "section 364 of the Act".

5. Subsection 4 (1) of the Regulation is amended by striking out "section 442 or 443 of the Act" in the portion before clause (a) and substituting "section 357 or 358 of the Act".

6. Sections 5 and 6 of the Regulation are revoked and the following substituted:

Deadline extension

5. For the purposes of paragraph 5 of subsection 364 (2) of the Act, if the assessment corporation assesses a property during a taxation year under section 33 of the *Assessment Act* in respect of either of the two preceding taxation years, the deadline for making an application under section 364 of the Act for that preceding taxation year is extended to the day that is 90 days after the day the assessment is mailed to the owner under section 35 of that Act.

7. (1) Subsection 7 (1) of the Regulation is revoked.

(2) Subsection 7 (2) of the Regulation is amended by striking out “subsection 442.5 (21) of the Act” in the portion before clause (a) and substituting “subsection 364 (20) of the Act”.

(3) Subsection 7 (3) of the Regulation is amended by striking out “subsection 442.5 (21) of the Act” in the portion before clause (a) and substituting “subsection 364 (20) of the Act”.

8. (1) Subsection 8 (1) of the Regulation is amended by striking out “subsection 442.5 (21) of the Act” in the portion before clause (a) and substituting “subsection 364 (20) of the Act”.

(2) Subsection 8 (2) of the Regulation is amended by striking out “subsection 442.5 (21) of the Act” and substituting “subsection 364 (20) of the Act”.

9. Section 9 of the Regulation is amended by striking out “subsection 442.5 (16) of the Act” in the portion before clause (a) and substituting “subsection 364 (15) of the Act”.

JANET LYNNE ECKER
Minister of Finance

Dated on: July 22, 2003.

32/03

ONTARIO REGULATION 301/03

made under the

MUNICIPAL ACT, 2001

Made: July 22, 2003

Filed: July 23, 2003

Amending O. Reg. 75/01

(Content and Form of Standardized Property Tax Bill)

Note: Ontario Regulation 75/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. The title to Ontario Regulation 75/01 is revoked and the following substituted:

TAX MATTERS — PROPERTY TAX BILL FORM AND CONTENT

2. Subsection 1 (1) of the Regulation is revoked and the following substituted:

Application of regulation

(1) This Regulation sets out the form and content required for tax notices under section 343 of the Act.

3. (1) Subsection 2 (2) of the Regulation is amended by striking out “residential farm property class, the farmlands property class” and substituting “residential property class, farm property class”.

(2) Subsection 2 (4) of the Regulation is amended by striking out “Part XXII.3 of the Act” and substituting “Part IX of the Act”.

4. Subsection 6 (1) of the Regulation is amended by striking out “residential farm property class, the farmlands property class” and substituting “residential property class, the farm property class”.

substituting "section 318 of the Act".

6. Paragraph 6 of Section 13 of the Regulation is revoked and the following substituted:

6. The amount of the change in the tax that is attributable to the impact of current value reassessment, in area "3.6".

7. Paragraph 1 of subsection 17 (1) of the Regulation is revoked and the following substituted:

1. The taxes for the current year, if the limits set out in Part IX of the Act do not apply, calculated using full current value assessment, in area "2.1".

8. Section 20 of the Regulation is revoked.

JANET LYNNE ECKER
Minister of Finance

Dated on July 22, 2003.

32/03

ONTARIO REGULATION 302/03

made under the

MUNICIPAL ACT, 2001

Made: July 22, 2003

Filed: July 23, 2003

Amending O. Reg. 386/98

(Tax Matters — Allowable Ranges for Tax Ratios)

Note: Ontario Regulation 386/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsection 1 (1) of Ontario Regulation 386/98 is amended by striking out "subsection 363 (6) of the Act" and substituting "subsection 308 (8) of the Act".

JANET LYNNE ECKER
Minister of Finance

Dated on: July 22, 2003.

32/03

ONTARIO REGULATION 303/03

made under the

EDUCATION ACT

Made: February 12, 2003

Filed: July 24, 2003

Amending O. Reg. 444/98
(Disposition of Surplus Real Property)

Note: Ontario Regulation 444/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Paragraphs 3 and 4 of subsection 1 (2) of Ontario Regulation 444/98 are revoked and the following substituted:

- 3. If the property is located in an upper-tier municipality, that upper-tier municipality.
- 4. If the property is located in an upper-tier municipality, any local board of that upper-tier municipality.

2. (1) Paragraph 9 of subsection 3 (1) of the Regulation is revoked and the following substituted:

- 9. If the property is located in an upper-tier municipality, that upper-tier municipality.

(2) Paragraph 9 of subsection 3 (2) of the Regulation is revoked and the following substituted:

- 9. If the property is located in an upper-tier municipality, that upper-tier municipality.

(3) Paragraph 9 of subsection 3 (3) of the Regulation is revoked and the following substituted:

- 9. If the property is located in an upper-tier municipality, that upper-tier municipality.

(4) Paragraph 9 of subsection 3 (4) of the Regulation is revoked and the following substituted:

- 9. If the property is located in an upper-tier municipality, that upper-tier municipality.

3. (1) Paragraph 8 of subsection 4 (1) of the Regulation is revoked and the following substituted:

- 8. If the property is located in an upper-tier municipality, that upper-tier municipality.

(2) Paragraph 8 of subsection 4 (3) of the Regulation is revoked and the following substituted:

- 8. If the property is located in an upper-tier municipality, that upper-tier municipality.

(3) Subsection 4 (4) of the Regulation is amended by adding the following paragraph:

- 8.1 If the property is located in an upper-tier municipality, that upper-tier municipality.

(4) Subsection 4 (6) of the Regulation is amended by striking out “paragraph 8 of subsection (4)” and substituting “paragraph 8 or 8.1 of subsection (4)”.

ELIZABETH WITMER
Minister of Education

Dated on February 12, 2003.

pris en application de la
LOI SUR L'ÉDUCATION

pris le 12 février 2003
déposé le 24 juillet 2003

modifiant le Règl. de l'Ont. 444/98
(Aliénation de biens immeubles excédentaires)

Remarque : Le Règlement de l'Ontario 444/98 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. Les dispositions 3 et 4 du paragraphe 1 (2) du Règlement de l'Ontario 444/98 sont abrogées et remplacées par ce qui suit :

3. La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

4. Tout conseil local de la municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

2. (1) La disposition 9 du paragraphe 3 (1) du Règlement est abrogée et remplacée par ce qui suit :

9. La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

(2) La disposition 9 du paragraphe 3 (2) du Règlement est abrogée et remplacée par ce qui suit :

9. La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

(3) La disposition 9 du paragraphe 3 (3) du Règlement est abrogée et remplacée par ce qui suit :

9. La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

(4) La disposition 9 du paragraphe 3 (4) du Règlement est abrogée et remplacée par ce qui suit :

9. La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

3. (1) La disposition 8 du paragraphe 4 (1) du Règlement est abrogée et remplacée par ce qui suit :

8. La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

(2) La disposition 8 du paragraphe 4 (3) du Règlement est abrogée et remplacée par ce qui suit :

8. La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

(3) Le paragraphe 4 (4) du Règlement est modifié par adjonction de la disposition suivante :

8.1 La municipalité de palier supérieur, si le bien se trouve dans une municipalité de palier supérieur.

(4) Le paragraphe 4 (6) du Règlement est modifié par substitution de «disposition 8 ou 8.1 du paragraphe (4)» à «disposition 8 du paragraphe (4)».

ELIZABETH WITMER
Ministre de l'Éducation

Fait le 12 février 2003.

32/03

ONTARIO REGULATION 304/03

made under the

BUILDING CODE ACT, 1992

Made: July 24, 2003

Filed: July 25, 2003

Amending O. Reg. 403/97

(Building Code)

Note: Ontario Regulation 403/97 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) The definition of “fire service main” in Sentence 1.1.3.2.(1) of Ontario Regulation 403/97 is amended by striking out the portion before clause (a) and substituting the following:

Fire service main means a pipe and its appurtenances which are connected to a source of water and that are located on the property:

(2) The definition of “Private water supply” in Sentence 1.1.3.2.(1) of the Regulation is revoked and the following substituted:

Private water supply means piping on the property that conveys *potable* water from a *drinking-water system* to more than one *water service pipe*.

(3) The definition of “Private water supply system” in Sentence 1.1.3.2.(1) of the Regulation is revoked.

(4) The definitions of “Water distribution system”, “Water purveyor”, “Water service pipe”, “Water system” and “Water works” in Sentence 1.1.3.2.(1) of the Regulation are revoked and the following substituted:

Water distribution system means an assembly of pipes, fittings, valves and appurtenances that conveys *potable* water to water supply outlets, *fixtures*, *plumbing appliances* and devices from the *water service pipe* or from a *point of entry treatment unit* located in the building.

Water purveyor means the owner or operator of a *drinking-water system*.

Water service pipe means a pipe on the property that conveys *potable* water from a *drinking-water system* or a *private water supply* to the inside of the building.

Water system means a *water service pipe*, a *private water supply*, a *water distribution system*, a *fire service main* or parts of any of them.

(5) Sentence 1.1.3.2.(1) of the Regulation is amended by adding the following definitions:

Drinking-water system has the same meaning as in Subsection 2 (1) of the *Safe Drinking Water Act, 2002*.

Municipal drinking-water system has the same meaning as in Subsection 2 (1) of the *Safe Drinking Water Act, 2002*.

Point of entry treatment unit has the same meaning as in Subsection 1 (1) of Ontario Regulation 170/03 made under the *Safe Drinking Water Act, 2002*.

2. Sentence 7.1.6.3.(1) of the Regulation is revoked and the following substituted:

(1) Except as provided in Sentence (2), every *water distribution system* shall be connected

(a) to a watermain that is part of a *municipal drinking-water system*, or

(b) to a *drinking-water system*, if a watermain described in Clause (a) is not available.

3. Sentence 7.2.11.4.(1) of the Regulation is revoked and the following substituted:

(1) Where a *water service pipe* is supplied with water by more than one *drinking-water system*, a *check valve* shall be installed at each connection with a *drinking-water system*.

(2) Where a *fire service main* is supplied with water by more than one source, a *check valve* shall be installed at each connection with a source of water.

4. (1) Sentence 7.6.1.3.(1) of the Regulation is revoked and the following substituted:

(1) A *building control valve* shall be provided

- (b) on the *water distribution system* at a location immediately downstream of the *point of entry treatment unit*, where the *building* is served by a *point of entry treatment unit* located in the *building*.

(2) **Sentence 7.6.1.3.(4) of the Regulation is revoked and the following substituted:**

(4) Every pipe that is supplied with water from a tank on the property that is a gravity water tank or a tank of a *drinking-water system* shall be provided with a shut-off valve located close to the tank.

5. **Sentence 7.6.2.1.(2) of the Regulation is revoked and the following substituted:**

(2) No connection shall be made between a *potable water system* supplied with water from a *drinking-water system* and any other *potable water system* without the consent of the *water purveyor*.

6. **Subclauses 7.6.2.3.(4)(g)(i), (ii) and (iii) of the Regulation are revoked and the following substituted:**

- (i) a *drinking-water system*, or
- (ii) a source of *non-potable water*.

32/03

ONTARIO REGULATION 305/03

made under the

BUILDING CODE ACT, 1992

Made: July 24, 2003

Filed: July 25, 2003

Amending O. Reg. 403/97
(Building Code)

Note: Ontario Regulation 403/97 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) **The two definitions of “*Applicable law*” in Sentence 1.1.3.2.(1) of Ontario Regulation 403/97 are revoked.**

(2) **Sentence 1.1.3.2.(1) of the Regulation is amended by adding the following definitions:**

Building Code website means the website at www.obc.mah.gov.on.ca.

Design activities means the activities described in Subsection 15.11 (5) of the Act.

Principal authority means,

- (a) the Crown,
- (b) the council of a municipality,
- (c) an upper-tier municipality that has entered into an agreement under Subsection 3 (5), 32 (1) or 32.1 (1) of the Act,
- (d) a board of health that has been prescribed for the purposes of Subsection 3.1 (1) of the Act or that has entered into an agreement under Subsection 32 (2) or 32.1 (2) of the Act,
- (e) a planning board that has been prescribed for the purposes of Subsection 3.1 (1) of the Act,
- (f) a conservation authority that has been prescribed for the purposes of Subsection 3.1 (1) of the Act or that has entered into an agreement under Subsection 32.1 (2) of the Act.

Registered code agency means a person or entity that has the qualifications and meets the requirements described in Subsection 15.11 (4) of the Act.

Tribunal means the License Appeal Tribunal established under the *Licence Appeal Tribunal Act, 1999*.

(3) **Sentence 1.1.3.2.(1) of the Regulation is amended by adding the following definition:**

Certificate for the occupancy of a building not fully completed means a certificate described in Sentence 2.22.5.3.(5).

(4) The definitions of “Principal authority” and “Registered code agency” in Sentence 1.1.3.2.(1) of the Regulation are revoked.

2. The Regulation is amended by adding the following Article:

1.1.3.3. Applicable Law

(1) For the purposes of Section 8 of the Act, applicable law means:

(a) the statutory requirements in the following provisions with respect to the following matters:

- (i) Section 2 of the *Cemeteries Act (Revised)* with respect to the consent to the establishment, alteration or increase in capacity of a crematorium,
- (ii) Section 5 of the *Charitable Institutions Act*, with respect to the approval by the Minister of the site and plans for a new *building* or an addition to an existing *building* used or to be used as a charitable institution,
- (iii) Section 5 of Regulation 262 of the Revised Regulations of Ontario, 1990, made under the *Day Nurseries Act*, with respect to the approval of plans for a new *building* to be erected or an existing *building* to be used, altered or renovated for use as a day nursery or for alterations or renovations to be made to premises used by a day nursery,
- (iv) Subsection 9 (1) of Regulation 263 of the Revised Regulations of Ontario, 1990, made under the *Dead Animal Disposal Act*, with respect to the *construction* of premises for use as a receiving or rendering plant,
- (v) Section 194 of the *Education Act*, with respect to the approval of the Minister for the *demolition* of a *building*,
- (vi) Section 195 of the *Education Act* with respect to the approval of the Minister for the erection of a school *building* and for the making of an addition, alteration or improvement to a school *building*,
- (vii) Section 197 of the *Education Act* with respect to the approval of the Minister for the erection, addition to or alteration of *buildings* on a school site,
- (viii) Section 6 of Regulation 314 of the Revised Regulations of Ontario, 1990, made under the *Elderly Persons Centres Act*, with respect to the approval of the Minister for the *construction* of a *building* project,
- (ix) Section 5 of the *Environmental Assessment Act* with respect to the approval of the Minister or the Environmental Review Tribunal to proceed with an undertaking,
- (x) Section 9 of the *Environmental Protection Act* with respect to the certificate of approval for the construction, alteration, extension or replacement of a structure that may discharge a contaminant or from which a contaminant may be discharged,
- (xi) Section 46 of the *Environmental Protection Act* with respect to the approval of the Minister to use land or land covered by water that has been used for the disposal of waste,
- (xii) Section 9 of Regulation 469 of the Revised Regulations of Ontario, 1990, made under the *Funeral Directors and Establishments Act*, with respect to the provision to the Registrar of architectural plans or drawings of the proposed construction or alteration of a funeral establishment,
- (xiii) Section 14 of the *Homes for the Aged and Rest Homes Act* with respect to the approval of the Minister for the erection or alteration of a *building* for use as a home or a joint home,
- (xiv) Section 14 of the *Milk Act* with respect to the permit from the Director for the construction or alteration of any *building* intended for use as a plant,
- (xv) Section 4 of Regulation 832 of the Revised Regulations of Ontario, 1990, made under the *Nursing Homes Act*, with respect to the provision to the Director of plans and specifications and such information and other material as may be required by the Director in respect of the construction, alteration, addition to or renovation of a nursing home or conversion of an existing *building* into a nursing home,
- (xvi) Section 33 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the alteration of property,
- (xvii) Section 34 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the *demolition* of a *building*,
- (xviii) Section 42 of the *Ontario Heritage Act* with respect to the permit given by the council of a *municipality* for the erection, alteration or *demolition* of a *building*,
- (xix) Section 41 of the *Planning Act* with respect to the approval by the council of the *municipality* or the Municipal Board of plans and drawings,
- (xx) Section 22 of the *Private Hospitals Act* with respect to the approval of the Minister for the alteration or renovation of a house that is used as a private hospital,

facilities to be added to a hospital,

- (xxii) Section 2 of Ontario Regulation 453/96, made under the *Public Lands Act*, with respect to the work permit authorizing the *construction* or placement of a *building* on public land,
 - (xxiii) Section 34 or 38 of the *Public Transportation and Highway Improvement Act* with respect to the permit from the Minister for the placement, erection or alteration of any *building* or other structure or the use of land,
- (b) the following provisions of Acts and regulations:
- (i) Sections 28 and 53 of the *Development Charges Act, 1997*,
 - (ii) Sections 257.83 and 257.93 of the *Education Act*,
 - (iii) Subsection 5 (4) of the *Environmental Assessment Act*,
 - (iv) Subsection 133 (4) of the *Municipal Act, 2001*,
 - (v) Subsection 24 (3) of the *Niagara Escarpment Planning and Development Act*,
 - (vi) Subsections 4 (3) and (5) of Regulation 832 of the Revised Regulations of Ontario, 1990, made under the *Nursing Homes Act*,
 - (vii) Clause 7 (2) (a) of the *Oak Ridges Moraine Conservation Act, 2001*,
 - (viii) Section 30 of the *Ontario Heritage Act*,
 - (ix) Sections 24 and 46 of the *Planning Act*,
 - (x) Section 33 of the *Planning Act* except where, in the case of the *demolition* of a residential property, a permit to *demolish* the property is obtained under that Section,
 - (xi) Clause 47 (1) (a) of the *Planning Act*,
 - (xii) Subsection 22 (1) of the *Private Hospitals Act*,
- (c) regulations made by a conservation authority under Clause 28 (1) (c) of the *Conservation Authorities Act* that prohibit *construction* of a *building* or structure in or on a pond or swamp or in any area susceptible to flooding during a regional storm without a permit issued by the conservation authority,
- (d) by-laws made under Section 34 or 38 of the *Planning Act* or under Section 3 of Ontario Regulation 246/01 made under that Act,
- (e) by-laws made under Section 22 of the *Theatres Act*, and
- (f) by-laws made under any private Act that prohibit the proposed *construction* or *demolition* of the *building* unless the by-law is complied with.

(2) For the purposes of Clause 10 (2) (a) of the Act, applicable law means any general or special Act, and all regulations and by-laws enacted under them that prohibit the proposed use of the *building* unless the Act, regulation or by-law is complied with.

3. Sentence 2.3.1.1.(4) of the Regulation is revoked and the following substituted:

(4) Where a *building* or part of it described in Table 2.3.1.1. is designed by an *architect* or a *professional engineer* or a combination of both as required by this Article, all plans, sketches, drawings, graphic representations, specifications and other documents that are prepared by an *architect*, *professional engineer* or both and that form the basis for the issuance of a permit under Section 8 of the Act or any changes to it authorized by the *chief building official* shall bear the signature and seal of the *architect*, *professional engineer* or both, as applicable.

4. Sentence 2.3.2.1.(1) of the Regulation is revoked and the following substituted:

2.3.2.1. General Review by Architect or Professional Engineer

(1) Except as permitted in Sentence (2), a person who intends to *construct* or have *constructed* a *building* required to be designed by an *architect*, *professional engineer* or both, shall ensure that an *architect*, *professional engineer* or both are retained to undertake the general review of the *construction* of the *building* in accordance with the performance standards of the Ontario Association of Architects or the Association of Professional Engineers of Ontario, as applicable, to determine whether the *construction* is in general conformity with the plans, sketches, drawings, graphic representations, specifications and other documents that are prepared by an *architect*, *professional engineer* or both and that form the basis for the issuance of a permit under Section 8 of the Act or any changes to it authorized by the *chief building official*, copies of written reports arising out of the general review shall be forwarded to the *chief building official* or *registered code agency*, as the case may be, by the *architect*, *professional engineer* or both who have been retained to undertake the general review of the *construction* of the *building*.

5. (1) Sentence 2.4.1.1.(4) of the Regulation is revoked and the following substituted:

(4) Reserved.

(2) Subsection 2.4.1. of the Regulation is amended by adding the following Article:

2.4.1.1A. Applications for Permits under Section 8 of the Act

(1) An application for a permit under Section 8 of the Act to *construct* or *demolish* a *building* shall be made after June 30, 2005 by

(a) the owner of the property on which the proposed *construction* or *demolition* is to take place, or

(b) the authorized agent of the owner referred to in Clause (a).

(2) An application referred to in Sentence (1) that is made after June 30, 2005 shall be in a form approved by the *Minister*.

(3) In Sentence (1),

owner includes, in respect of the property on which the *construction* or *demolition* will take place, the registered owner, a lessee and a mortgagee in possession.

2.4.1.1B. Period Within Which a Permit is Issued or Refused

(1) Subject to Sentences (2) and (3), if an application for a permit under Subsection 8 (1) of the Act that meets the requirements of Sentence (5) is submitted after June 30, 2005 to a *chief building official*, the *chief building official* shall, within the time period set out in Column 3 of Table 2.4.1.1B. corresponding to the class of *building* described in Column 2 of Table 2.4.1.1B. for which the application is made:

(a) issue the permit, or

(b) refuse to issue the permit and provide in writing all of the reasons for the refusal.

(2) If an application made after June 30, 2005 for a permit under Subsection 8 (1) of the Act proposes *construction* or *demolition* of two or more *buildings* of different classes described in Column 2 of Table 2.4.1.1B. that have different time periods in Column 3 of Table 2.4.1.1B., the longer of the time periods shall be the time period for the purposes of Sentence (1).

(3) If an application for a permit under Subsection 8 (1) of the Act proposes *construction* or *demolition* of a *building* described in Sentence (4), the time period for the purposes of Sentence (1) shall be the longer of

(a) 10 days, and

(b) the time period corresponding to the class of the *building* described in Column 2 of Table 2.4.1.1B. that the *building* in Sentence (4) serves, if any.

(4) A *building* referred to in Sentence (3) is:

(a) a structure occupying an area of 10 m² or less that contains *plumbing*, including the *plumbing* appurtenant to it,

(b) *plumbing* not located in a structure,

(c) a *sewage system*, or

(d) a structure described in Article 2.1.2.1.

(5) The requirements for an application referred to in Sentence (1) for a permit under Subsection 8 (1) of the Act are:

(a) that the application be made in the form described in Sentence 2.4.1.1A.(2),

(b) that the application be signed by a person described in Clause 2.4.1.1A.(1)(a) or (b),

(c) that all applicable fields on the application form and required schedules are completed,

(d) that all attachments indicated as being attached to the application are submitted with the application, and

(e) that the application be accompanied by the types and quantities of plans and specifications that are prescribed by the applicable by-law, resolution or regulation made under Clause 7 (1) (b) of the Act.

(6) The time period described in Sentences (1) to (3) shall begin on the day following the later of

(a) the day on which an application meeting the requirements of Sentence (5) is submitted to the *chief building official*, and

(b) the day on which payment is made of all fees that are required, under a by-law, regulation or resolution made under Clause 7 (1) (c) of the Act, to be paid when the application is made.

Saturdays, holidays and all other days when the offices of the *principal authority* are not open for the transaction of business with the public.

(8) The time period in Sentence (9) applies where

- (a) an application is made for the *construction* of a *building* that is served by a *sewage system*,
- (b) *construction* is proposed in respect of the *sewage system* that serves the *building*, and
- (c) a board of health, conservation authority, planning board or the council of an upper-tier *municipality* is responsible for the enforcement of the provisions of the Act and this Code related to the *sewage system* under Section 3.1 of the Act or pursuant to an agreement under Section 6.2 of the Act.

(9) The time period described in Sentences (1) to (3) for an application referred to in Clause (8)(a) shall begin on the day following the latest of

- (a) the day on which an application meeting the requirements of Sentence (5) is submitted to the *chief building official*,
- (b) the day on which payment is made of all fees that are required, under a by-law, regulation or resolution made under Clause 7 (1) (c) of the Act, to be paid when the application is made, and
- (c) the day on which a permit for the *construction* of the *sewage system* referred to in Clause (8)(b) is issued.

TABLE 2.4.1.1B.

Period Within Which Permit Shall be Issued or Refused Forming Part of Article 2.4.1.1B.

Row Number	Class of Building	Time period
1	<ul style="list-style-type: none"> (a) A detached house, semi-detached house, townhouse, or row house where no <i>dwelling unit</i> is located above another <i>dwelling unit</i>, if it is subject to an agreement made under Section 6 of the Act. (b) A detached structure that serves a <i>building</i> described in Clause (a) and does not exceed 50 m² in <i>building area</i>. 	5 days
2	<ul style="list-style-type: none"> (a) A detached house, semi-detached house, townhouse, or row house where no <i>dwelling unit</i> is located above another <i>dwelling unit</i>, if it is not subject to an agreement made under Section 6 of the Act. (b) A detached structure that serves a <i>building</i> described in Clause (a) and does not exceed 50 m² in <i>building area</i>. (c) A tent to which Section 3.13. applies. (d) A sign to which Section 3.14. applies. 	10 days
3	<ul style="list-style-type: none"> (a) <i>Buildings</i> described in Clauses 2.1.1.3.(1)(a), (b) and (c), excluding: <ul style="list-style-type: none"> (i) <i>buildings</i> described in Column 2 of any of Rows 1, 2 and 5 of this Table. (b) <i>Farm buildings</i> that do not exceed 600 m² in <i>building area</i>. 	15 days
4	<ul style="list-style-type: none"> (a) <i>Buildings</i> described in Clause 2.1.1.2.(1)(a) or (b), excluding: <ul style="list-style-type: none"> (i) <i>buildings</i> described in Column 2 of any of Rows 1, 2 and 5 of this Table. (b) <i>Farm buildings</i> exceeding 600 m² in <i>building area</i>. 	20 days
5	<ul style="list-style-type: none"> (a) <i>Post-disaster buildings</i>. (b) <i>Buildings</i> to which Subsection 3.2.6. or any provision in Articles 3.2.8.2. to 3.2.8.11. applies. 	30 days
Column 1	Column 2	Column 3

6. Article 2.4.1.2. of the Regulation is amended by adding the following Sentence:

(3) A person is exempt from the requirement to obtain a permit under Section 10 of the Act for the change of use of a *building* in unorganized territory.

7. (1) **Clause 2.4.1.3.(1)(f) of the Regulation is revoked.**

(2) **Sentence 2.4.1.3.(3) of the Regulation is amended by striking out “s. 18 (2) of the *Fire Marshals Act* or under s. 15 (3) of the Act” and substituting “Subsection 21 (1) of the *Fire Protection and Prevention Act, 1997* or under Subsection 15 (3) of the *Building Code Act, 1992*”.**

8. **Article 2.4.3.1. of the Regulation is amended by adding the following Sentence:**

(3) Where a *registered code agency* has been appointed to perform the functions described in Clause 4.1 (4) (b) or (c) of the Act or has been appointed under Subsection 4.2 (2) of the Act in respect of the *construction* of the *building*, the *chief building official* or a person designated by the *chief building official* shall issue the permit referred to in Sentence (2) after receipt of a *certificate for the occupancy of a building not fully completed* issued by the *registered code agency* in respect of the *building*.

9. **Article 2.4.4.1. of the Regulation is revoked and the following substituted:**

2.4.4.1. Fire Department Approval

(1) Subject to Sentence (2), if the council of a *municipality* assigns specific responsibility for the enforcement of any portion of this Code respecting fire safety matters to an *inspector* who is the chief of the fire department of the *municipality*, the *chief building official* shall not issue a permit to *construct a building* unless the *inspector* approves the drawings submitted with the application for the permit as complying with that portion of this Code.

(2) If a *registered code agency* has been appointed under Clause 4.1 (4) (a) or (c) or Subsection 4.2 (2) of the Act

(a) a *municipality* shall not assign responsibility under Sentence (1) to the chief of the fire department with respect to a *building* for which the *registered code agency* has been appointed, and

(b) any assignment of responsibility under Sentence (1) with respect to a *building* for which the *registered code agency* is appointed shall be cancelled as of the date of the appointment.

10. (1) **Subsection 2.4.5 of the Regulation is amended by adding the following Article:**

2.4.5.2. Construction of Sewage Systems

(1) The following information is prescribed for the purposes of Subsection 15.12 (3) of the Act and must be provided to the *chief building official* before the commencement of the *construction* of a *sewage system*:

(a) the information described in Sentence 2.18.4.1.(2) as it relates to:

(i) the person registered under Article 2.18.3.2., and

(ii) the person with the qualifications described in Clause 2.18.3.2.(1)(a) who will supervise *construction on-site* of the *sewage system*, and

(b) the name and phone number of the representative of the person described in Subclause (a)(i) who may be contacted by the *chief building official* in respect of the *construction* of the *sewage system*.

(2) **Subsection 2.4.5. of the Regulation is revoked and the following substituted:**

2.4.5. Notices and Inspections

2.4.5.1. Prescribed Notices

(1) This Article sets out the notices that are required under Section 10.2 of the Act.

(2) The person to whom a permit under Section 8 of the Act is issued shall notify the *chief building official* or, where a *registered code agency* is appointed under the Act in respect of the *construction* to which the notice relates, the *registered code agency* of:

(a) readiness to *construct* footings,

(b) substantial completion of footings and foundations prior to commencement of backfilling,

(c) substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, if the *building* is within the scope of Part 9,

(d) substantial completion of structural framing and roughing-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment, if the *building* is not a *building* to which Clause (c) applies,

(e) substantial completion of insulation, vapour barriers and air barriers,

(f) substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,

(h) readiness for inspection and testing of:

- (i) *building sewers and building drains*,
- (ii) *water service pipes*,
- (iii) *fire service mains*,
- (iv) *drainage systems and venting systems*,
- (v) the *water distribution system*, and
- (vi) *plumbing fixtures and plumbing appliances*,

- (i) readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an *outdoor pool* described in Clause 2.1.2.1.(1)(h), a *public pool* or a *public spa*,
- (j) substantial completion of the circulation/recirculation system of an *outdoor pool* described in Clause 2.1.2.1.(1)(h), a *public pool* or *public spa* and substantial completion of the pool before it is first filled with water,
- (k) readiness to *construct* the *sewage system*,
- (l) substantial completion of the installation of the *sewage system* before the commencement of backfilling,
- (m) substantial completion of installation of *plumbing* not located in a structure, before the commencement of backfilling, and
- (n) completion of *construction* and installation of components required to permit the issue of an occupancy permit under Sentence 2.4.3.1.(2) or to permit occupancy under Sentence 2.4.3.2.(1), if the *building* or part of the *building* to be occupied is not fully completed.

2.4.5.2. Additional Notices

(1) A *principal authority* may pass a by-law or resolution or make a regulation under Clause 7 (1) (e) of the Act, as part of its responsibility for the enforcement of the Act, in order to establish time periods within which notice of one or more of the following stages of *construction* must be given:

- (a) commencement of *construction* of the *building*,
- (b) substantial completion of structural framing for each storey, if the *building* is a type of *building* that is within the scope of Parts of this Code other than Part 9,
- (c) commencement of *construction* of:
 - (i) masonry fireplaces and *masonry chimneys*,
 - (ii) factory-built fireplaces and allied *chimneys*,
 - (iii) *stoves, ranges, space heaters* and add-on *furnaces* using solid fuels and allied *chimneys*,
- (d) substantial completion of interior finishes,
- (e) substantial completion of heating, ventilating, *air-conditioning* and air-contaminant extraction equipment,
- (f) substantial completion of exterior cladding,
- (g) substantial completion of site grading,
- (h) substantial completion of the pool deck and dressing rooms for a *public pool* or *public spa* and readiness for inspection of the emergency stop system for a *public pool* or *public spa*, and
- (i) completion and availability of drawings of the *building* as *constructed*.

(2) The person to whom a permit under Section 8 of the Act is issued shall notify the *chief building official* or, if a *registered code agency* is appointed under the Act in respect of the *construction* to which the notice relates, the *registered code agency* of the stages of *construction* for which a time period for giving notice is required under Sentence (1).

2.4.5.3. Prescribed Inspections

(1) Except as provided in Sentence (2), an *inspector* or *registered code agency*, as the case may be, shall, not later than two days after receipt of a notice given under Sentence 2.4.5.1.(2), undertake a site inspection of the *building* to which the notice relates.

(2) Where a notice given under Sentence 2.4.5.1.(2) relates to matters described in Clause 2.4.5.1.(2)(k) or (l), an *inspector* or *registered code agency*, as the case may be, shall, not later than five days after receipt of the notice, undertake a site inspection of the *sewage system* to which the notice relates.

(3) When undertaking an inspection required under Sentence (1) or (2), the *inspector* or *registered code agency*, as the case may be, may consider reports concerning whether the *building* or a part of the *building* complies with the Act or this Code.

(4) The time periods referred to in Sentences (1) and (2) shall begin on the day following the day on which the notice is given.

(5) The time periods referred to in Sentences (1) and (2) shall not include Saturdays, holidays and all other days when the offices of the *principal authority* are not open for the transaction of business with the public.

2.4.5.4. Exemption

(1) A person is exempt from the requirement in Sentences 2.4.5.1.(2) and 2.4.5.2.(2) to give notice to the *chief building official* in respect of *construction* if

- (a) a permit in respect of the *construction* was issued to the person under Section 8 of the Act before July 1, 2005, and
- (b) the person notifies the *chief building official* in accordance with
 - (i) Sentence 2.4.5.1.(1) as it read on June 30, 2005, and
 - (ii) the by-law passed by the *municipality* under Clause 7 (e) of the Act, as the by-law read on June 30, 2005.

(2) Article 2.4.5.3. does not apply to *construction* to which Sentence (1) relates.

2.4.5.5. Construction of Sewage Systems

(1) The following information is prescribed for the purposes of Subsection 15.12 (3) of the Act and must be provided to the *chief building official* before the commencement of the *construction* of a *sewage system*:

- (a) the information described in Sentence 2.18.4.1.(2) as it relates to:
 - (i) the person registered under Article 2.18.3.2., and
 - (ii) the person with the qualifications described in Clause 2.18.3.2.(1)(a) who will supervise *construction* on-site of the *sewage system*, and
- (b) the name and telephone number of the representative of the person described in Subclause (a)(i) who may be contacted by the *chief building official* in respect of the *construction* of the *sewage system*.

11. Article 2.7.1.1. of the Regulation is revoked and the following substituted:

2.7.1.1. General

(1) A *chief building official* or a *registered code agency* may allow, under Section 9 of the Act, the use of materials, systems or *building* designs not authorized by this Code, if the use of the proposed materials, systems or *building* designs

- (a) is permitted under this Section, and
- (b) will, in the opinion of the *chief building official* or *registered code agency*, provide the level of performance that would be achieved by conforming with the requirements of this Code.

(2) A *chief building official* or a *registered code agency* that allows, under Section 9 of the Act, the use of materials, systems or *building* designs not authorized by this Code shall make a record of the decision that includes:

- (a) the decision to allow the use of the material, system or *building* design, and
- (b) all documents in support of the request provided to the *chief building official* or *registered code agency* by the person requesting the use of the material, system or *building* design.

12. (1) The heading for Section 2.8 of the Regulation is revoked and the following substituted:

Section 2.8. Rulings and Interpretations

(2) Subsection 2.8.2. of the Regulation is amended by adding the following Article:

2.8.2.2. Criteria

(1) A ruling made under Clause 29 (1) (c) of the Act may only approve the use of an alternative material, system or *building* design in a manner

- (a) that will, in the opinion of the *Minister*, achieve the level of performance that is required by this Code, and
- (b) that is consistent with,
 - (i) a decision of the Building Code Commission in respect of a dispute described in Clause 24 (1) (a) of the Act,
 - (ii) an approval of the use of the material, system or *building* design in the whole of another province or territory in accordance with the law of that province or territory,

official, or

- (iv) a revision of the National Building Code of Canada that has been approved by the Canadian Commission on Building and Fire Codes.

13. Section 2.8 of the Regulation is amended by adding the following Subsection:

2.8.3. Interpretations By Minister

2.8.3.1. Interpretations By Minister

(1) Every interpretation issued by the *Minister* under Section 28.1 of the Act shall be made available to the public

- (a) by posting the interpretation on the *Building Code website*, and
- (b) by providing a written copy of the interpretation on receipt of a request for it.

14. Article 2.10.1.2. of the Regulation is revoked and the following substituted:

2.10.1.2. Single Member

(1) One member of the Building Code Commission may, with the approval of the chair or vice-chair, hear and determine any dispute set out in Sentence (2) and, for that purpose, the member has all the jurisdiction and powers of the Commission.

(2) The disputes referred to in Sentence (1) are:

- (a) any dispute described in Clause 24 (1) (a) of the Act respecting the sufficiency of compliance with technical requirements of this Code related to *sewage systems*, and
- (b) any dispute described in Clause 24 (1) (b) or (c) of the Act.

2.10.1.3. Time Period

(1) A hearing to decide a dispute described in Clause 2.10.1.2.(2)(b) shall be held not more than five days after the Commission receives an application for a hearing in a form approved by the Commission.

(2) The time period described in Sentence (1) commences on the day after the Commission receives the application and excludes Saturdays, holidays and all other days when the offices of the Government of Ontario are not open for the transaction of business with the public.

2.10.1.4. Eligibility

(1) No member of the Commission shall be:

- (a) a member of the public service of Ontario,
- (b) an employee of a *principal authority*, or
- (c) a person who is registered under Article 2.19.3.2. as a *registered code agency*, an officer, director, partner or employee of a *registered code agency* or a person engaged by a *registered code agency* to perform functions under the Act on behalf of the *registered code agency*.

15. Sections 2.11. and 2.12. of the Regulation are revoked.

16. (1) Sentence 2.13.1.1.(1) of the Regulation is revoked and the following substituted:

(1) The *director* and employees of the Ministry of Municipal Affairs and Housing specified by the *director* are designated for the purposes of the enforcement of the Act and this Code in relation to the qualifications of:

- (a) *chief building officials*,
- (b) *inspectors*,
- (c) *registered code agencies*,
- (d) persons engaging in the activities described in Subsection 15.11(5) of the Act, and
- (e) persons engaged in the business of *constructing* on site, installing, repairing, servicing, cleaning or emptying *sewage systems*.

(2) Sentence 2.13.1.1.(4) of the Regulation is amended by striking out "Sections 6 and 19 of the Act" and substituting "Sections 15.23 and 19 of the Act".

17. The Regulation is amended by adding the following sections:

Section 2.16. Qualifications for *Chief Building Officials* and *Inspectors*

2.16.1. Scope

2.16.1.1 Scope

- (1) This Section prescribes, for the purposes of Subsections 15.11 (1), (2) and (3) of the Act
- (a) the qualifications that a person must satisfy to be appointed after June 30, 2005 and to remain appointed after that day as
 - (i) a *chief building official* under the Act, or
 - (ii) an *inspector* who has the same powers and duties as a *chief building official* in relation to *plumbing*,
- (b) the qualifications that a person must satisfy to be appointed on or after the day this Article comes into force and to remain appointed after that day
 - (i) as an *inspector* who has the same powers and duties as a *chief building official* in relation to *sewage systems*, or
 - (ii) as an *inspector* whose duties include plans review or inspection under the Act of *sewage systems*, and
- (c) the qualifications that a person must satisfy to be appointed after June 30, 2005 and to remain appointed after that day as an *inspector* under the Act, other than an *inspector* described in Subclause (a)(ii) or (b)(i) or (ii).

2.16.2. *Chief Building Officials*

2.16.2.1. Qualifications

(1) The following are prescribed as qualifications for a person to be appointed and to remain appointed under the Act as a *chief building official* or as an *inspector* who has the same powers and duties as a *chief building official* in relation to *sewage systems* or *plumbing*:

- (a) the person shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code and the powers and duties of *chief building officials*,
 - (b) if, under Subsection 22 (2) of the Act, the person will also exercise any of the powers or perform any of the duties of an *inspector*, the person shall also have the qualifications contained in Sentence 2.16.4.1(1), and
 - (c) the person shall file the information set out in Sentence 2.16.6.1.(1) with the *director* in a form established by the *director*.
- (2) An *inspector* who has the same powers and duties as a *chief building official* in relation to *sewage systems* and who had, on the day before the day this Article came into force, the qualification described in Article 2.11.3.1. as it read on that day:
- (a) shall be deemed to have successfully completed the examination programme described in Clause (1)(a),
 - (b) shall be deemed to have successfully completed the examination program described in Clause 2.16.4.1.(1)(a) in the category of qualification described in Column 3 of Row 10 of Table 2.20.2.1., and
 - (c) shall be deemed to have filed with the *director* the information required in Clause (1)(c) if the person filed with the *director*, before the day this Article came into force, the information required under Article 2.11.3.1. as that Article read on the day before the day this Article came into force.
- (3) A person is required to have the qualifications set out in Sentence (1) in accordance with the following rules:
1. A person appointed as a *chief building official* shall have the qualifications set out in Sentence (1) on and after the later of
 - i. July 1, 2005, and
 - ii. the day he or she is appointed as a *chief building official*.
 2. A person appointed as an *inspector* who has the same powers and duties as a *chief building official* in relation to *plumbing* shall have the qualifications set out in Sentence (1) on and after the later of
 - i. July 1, 2005, and
 - ii. the day he or she is appointed as an *inspector* who has the same powers and duties as a *chief building official* in relation to *plumbing*.
 3. A person appointed as an *inspector* who has the same powers and duties as a *chief building official* in relation to *sewage systems* shall have the qualifications set out in Sentence (1) on and after the later of
 - i. the day this Article comes into force, and

relation to *sewage systems*.

inspector has the same powers and duties as a *chief building official* in

2.16.3. Supervisors and Managers

2.16.3.1. Qualifications

(1) The following are prescribed as the qualifications for a person to be appointed after June 30, 2005 and to remain appointed under the Act after that day as an *inspector* whose duties are solely the supervision or management of *inspectors*:

- (a) the person shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing of the person's knowledge of the Act and this Code and the powers and duties of *chief building officials*,
- (b) the person shall successfully complete the examination program administered by the Ministry of Municipal Affairs and Housing of the person's knowledge of the Act and this Code related to any one category of qualification set out in Column 3 of Table 2.20.2.1., and
- (c) the person shall file the information set out in Sentence 2.16.6.1.(1) with the *director* in a form established by the *director*.

2.16.4. Inspectors

2.16.4.1. Qualifications

(1) The following are prescribed as qualifications for a person to be appointed and to remain appointed under the Act as an *inspector* whose duties include plans review or inspection under the Act:

- (a) the person shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code in the category or categories of qualifications in Column 3 of Table 2.20.2.1. that correspond to the types of *buildings* set out in Column 4 of Table 2.20.2.1. in respect of which the person will exercise the powers or perform the duties of an *inspector* under the Act,
- (b) where the person is an *inspector* whose duties solely relate to plans review or inspection in respect of fire suppression, fire detection, fire fighting and fire safety or an *inspector* referred to in Sentence 2.4.4.1.(1), the person shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code in respect of fire protection, and
- (c) the person shall file the information set out in Sentence 2.16.6.1.(1) with the *director* in a form established by the *director*.

(2) An *inspector* who had, on the day before the day this Section came into force, the qualification described in Article 2.11.3.1., as it read on that day

- (a) shall be deemed to have successfully completed the examination program described in Clause (1)(a) in the category of qualification described in Column 3 of Row 10 of Table 2.20.2.1., and
- (b) shall be deemed to have filed with the *director* the information required in Clause (1)(c) if the person filed with the *director*, before the day this Section came into force, the information required under Article 2.11.3.1. as it read on that day.

(3) A person is required to have the qualifications set out in Sentence (1) in accordance with the following rules:

1. A person appointed as an *inspector* whose duties include plans review and inspection of *sewage systems* under the Act shall have the qualifications set out in Sentence (1) on and after the later of
 - i. September 1, 2003, and
 - ii. the day on which he or she is appointed as an *inspector* whose duties include plans review and inspection of *sewage systems*.
2. A person appointed as an *inspector*, other than an *inspector* described in paragraph 1, shall have the qualifications set out in Sentence (1) on and after the later of
 - i. July 1, 2005, and
 - ii. the day on which he or she is appointed as an *inspector*.

2.16.5. Updating of Qualifications

2.16.5.1. Updating of Qualifications

(1) When an examination that is part of an examination program referred to in Clause 2.16.2.1.(1)(a), 2.16.3.1.(1)(a) or (b) or 2.16.4.1.(1)(a) or (b) is replaced with a new examination, the *director* shall give notice of the new examination to every

person who has, pursuant to Clause 2.16.2.1.(1)(c), 2.16.3.1(1)(c) or 2.16.4.1.(1)(c), informed the *director* that the person completed the examination before it was replaced or who is deemed to have successfully completed the examination program.

(2) The *director* may give the notice referred to in Sentence (1) by sending it by regular letter mail to the last address of the person filed with the *director*.

(3) It is a prescribed qualification for the purposes of Subsections 15.11 (1), (2) and (3) of the Act that, not later than 180 days after the day on which a notice referred to in Sentence (1) is sent, the person to whom the notice is given shall:

- (a) successfully complete all new examinations referred to in the notice, and
- (b) file the information set out in Sentence 2.16.6.1.(1) with the *director* in a form established by the *director*.

2.16.6. Information

2.16.6.1. Qualifications

(1) The information referred to in Clauses 2.16.2.1.(1)(c), 2.16.3.1.(1)(c), 2.16.4.1.(1)(c) and 2.16.5.1.(3)(b) is the following:

- (a) the person's name, residence address and residential mailing address, if different from the residence address,
- (b) the name and address of every *principal authority* that has appointed the person as a *chief building official* or *inspector* under the Act, and
- (c) information about the examinations that the person has successfully completed, in such form and in such detail as may be required by the *director*.

(2) A person who files information under Sentence (1) with the *director* shall advise the *director* of any change of the information not later than 15 days after the change.

2.16.7. Fees

2.16.7.1. Fees

(1) The fee payable upon the filing of information under Clause 2.16.2.1.(1)(c), 2.16.3.1.(1)(c), 2.16.4.1.(1)(c) or 2.16.5.1.(3)(b) is \$80.

(2) The amount of a fee referred to in Sentence (1) is reduced by \$10 if the information is filed and the fee is paid in accordance with a means of electronic filing and payment specified by the *director*.

(3) The Ministry of Municipal Affairs and Housing may charge a fee to a person who takes an examination for the purposes of this Section.

2.16.8. Public Register

2.16.8.1. Public Register

(1) The *director* shall establish and maintain a register available to the public listing every person who has the qualifications required by Subsections 15.11 (1), (2) and (3) of the Act and has been appointed as a *chief building official* or *inspector* by a *principal authority*.

- (2) The register referred to in Sentence (1) shall contain the following information with respect to each person listed in it:
- (a) the name of the person,
 - (b) any identifying number assigned by the *director* to that person,
 - (c) the name of each *principal authority* that has appointed the person as a *chief building official* or *inspector*, and
 - (d) the qualifications of the person.

2.16.9. Categories of Qualifications

2.16.9.1. Categories

(1) Table 2.20.2.1. contains the categories of qualifications for the purposes of this Section.

Section 2.17. Qualifications for Designers

2.17.1. Scope

2.17.1.1. Scope

(1) This Section prescribes, for the purposes of Clause 8 (2) (c) and Subsection 15.11 (5) of the Act, the qualifications for a person who carries out *design activities* after June 30, 2005.

2.17.2.1. Persons Engaged in the Business of Providing *Design Activities* to the Public

(1) Every person engaged in the business of providing *design activities* to the public after June 30, 2005 must have the qualification set out in Sentence 2.17.4.1.(1).

2.17.2.2. Other Designers

(1) Every person who carries out *design activities* after June 30, 2005, but who is not required to have the qualification set out in Sentence 2.17.4.1.(1), must have the qualifications set out in Sentence 2.17.5.1.(1).

2.17.3. Definition

2.17.3.1. Definition

(1) In this Section,
registered means registered under Article 2.17.4.2.

2.17.4. Qualifications — Persons Engaged in the Business of Providing *Design Activities* to the Public

2.17.4.1. General

(1) Except as provided in Sentence (3), every person engaged in the business of providing *design activities* to the public after June 30, 2005 must have the following qualification:

- (a) The person must be *registered* with the *director*.
- (2) A registration shall be in a form established by the *director*.
- (3) A person is exempt from the requirement to comply with the qualification in Sentence (1) if the person's *design activities* relate only to
 - (a) *construction* of a home as defined under the *Ontario New Home Warranties Plan Act* that will be *constructed* or sold by that person, if the person is a builder or vendor as defined in that Act and is registered under that Act,
 - (b) *construction* of a *building* that is owned by that person,
 - (c) *construction* of a *farm building* that is
 - (i) of *low human occupancy*,
 - (ii) of 2 *storeys* or less in *building height*, and
 - (iii) has a *building area* of less than 600 m²,
 - (d) the extension, material alteration or repair of:
 - (i) a *building* that is a detached house, a semi-detached house, townhouse or row house containing not more than two *dwelling units*, where no *dwelling unit* is located above another *dwelling unit*, or
 - (ii) a detached structure that serves a *building* described in Subclause (3)(d)(i) and does not exceed 50 m² in *building area*,
 - (e) a *sewage system* to be *constructed* by that person if the person is *registered* under Article 2.18.3.2.,
 - (f) *construction* of tents described in Sentence 3.13.1.2.(2),
 - (g) *construction* of signs, other than projecting signs and signs described in Clause 3.14.3.2.(1)(a), (b) or (c), or
 - (h) *construction* of a *building* for which a permit under Section 8 of the Act is applied for or issued before July 1, 2005 and for which *construction* is commenced within six months after the permit is issued.

2.17.4.2. Registration and Renewal of a Registration

(1) Subject to Article 2.17.4.9., the *director* may register an applicant, or renew a registration, in each class of registration applied for, if

- (a) the applicant or *registered* person or, if the applicant or *registered* person is a corporation or partnership, a director, officer, partner or employee of the applicant or *registered* person, has successfully completed the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code in the category of qualification set out on Column 3 of Table 2.20.2.1. that corresponds to each class of registration set out in Column 2 of Table 2.20.2.1. for which application is made,
- (b) all persons who will review and take responsibility for *design activities* provided to the public by the applicant or *registered* person for the purposes of Clause 2.17.4.7.(1)(d) have successfully completed the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the

Act and this Code in the category of qualification set out on Column 3 of Table 2.20.2.1. that correspond to each class of registration set out in Column 2 of Table 2.20.2.1. for which application is made,

- (c) the applicant or *registered* person is covered by the insurance required under Subsection 2.21.2. during the term of the registration applied for,
- (d) the application is complete, and
- (e) all fees required under Article 2.17.4.5. are paid.

2.17.4.3. Application for Registration or Renewal of a Registration

(1) An application for registration or renewal of a registration shall be made to the *director* in a form established by the *director*.

(2) An application for renewal of a registration shall be made at least 60 days before the expiry of the registration to be renewed.

(3) An application for registration or renewal of a registration shall include an undertaking by the applicant or *registered* person to comply with the conditions set out in Article 2.17.4.7.

(4) If a partnership or a corporation is the applicant for registration or renewal of registration, the application shall set out the names and residence addresses of all of its partners, directors or officers, as the case may be.

(5) An application for registration or renewal of a registration shall contain the names of all partners, directors, officers or employees of the applicant or *registered* person, as the case may be, and all other persons engaged by the applicant or *registered* person who:

- (a) have the qualifications set out in Clause 2.17.4.2.(1)(a) in the class or classes of registration for which the application is made, and
- (b) have the qualifications set out in Clause 2.17.4.2.(1)(b) and will review and take responsibility for the *design activities* provided to the public by the applicant or *registered* person in the class or classes of registration for which the application is made.

(6) An application for registration or renewal of a registration shall contain evidence, provided by the applicant or *registered* person, that the persons referred to in Sentence (5) meet the qualifications set out in Clauses 2.17.4.2.(1)(a) and (b).

(7) An application for registration or renewal of a registration shall contain evidence, provided by the applicant or *registered* person, that the applicant or *registered* person is covered by the insurance required under Subsection 2.21.2. during the term of the registration applied for.

2.17.4.4. Term

(1) A registration expires one year after it is issued but the *director* may, for the purposes of staggering the renewal dates of the registrations, issue the initial registration for a term of not less than 90 days and not more than 18 months.

2.17.4.5. Fees

(1) The fee for a registration is \$125.

(2) The fee for a *registered* person to add a new class of registration is \$25.

(3) The fee for renewal of a registration is \$80.

(4) The amount of a fee referred to in Sentence (1), (2) or (3) is reduced by 15 per cent and rounded to the nearest whole dollar if the application is made and the fee is paid in accordance with a means of electronic filing and payment specified by the *director*.

(5) The Ministry of Municipal Affairs and Housing may charge a fee to a person who takes an examination for the purposes of this Subsection.

2.17.4.6. Not Transferable

(1) A registration is not transferable.

2.17.4.7. Conditions

(1) The following are the conditions of a registration:

- (a) the *registered* person shall carry out *design activities* only in respect of the type of *building* described in Column 4 of Table 2.20.2.1. that correspond to the class or classes of registration held by the *registered* person,
- (b) if the *registered* person is a corporation or partnership, there must throughout the term of the registration be an officer, director, partner or employee of the *registered* person who has the qualifications set out in Clause 2.17.4.2.(1)(a) for each class of registration set out in Column 2 of Table 2.20.2.1. that is held by the *registered* person,

- person, the *registered* person shall
- (i) ensure that the *registered* person and the persons described in Clause (b) have successfully completed all new examinations referred to in the notice, and
 - (ii) provide the following information to the *director*:
 - (A) the names of all persons described in Subclause (i), and
 - (B) information about the examinations that the persons described in Subclause (i) have successfully completed, in such form and in such detail as may be required by the *director*,
 - (d) the *registered* person shall ensure that a person described in Clause (b) or another person who has the qualifications set out in Clause 2.17.4.2.(1)(b) in respect of the class of registration set out in Column 2 of Table 2.20.2.1. to which the *design activities* relate will review and take responsibility for *design activities* in each class of registration that are provided to the public by the *registered* person,
 - (e) not more than 180 days after the day when a notice is given under Sentence 2.17.4.8.(1) by the *director* to the *registered* person, the *registered* person shall:
 - (i) ensure that persons described in Clause (d) who will review and take responsibility for *design activities* provided to the public by the *registered* person in the class of registration to which the notice relates, have successfully completed all new examinations referred to in the notice, and
 - (ii) provide the following information to the *director*:
 - (A) the names of all persons described in Subclause (i), and
 - (B) information about the examinations that the persons referred to in Subclause (i) have successfully completed, in such form and in such detail as may be required by the *director*,
 - (f) the *registered* person shall ensure that a person described in Clause (d) who reviews and takes responsibility for *design activities* provided to the public by the *registered* person shall include the following information on any document submitted to a *chief building official* or *registered code agency* in the circumstances set out in Subsection 15.11 (5) of the Act:
 - (i) the name of the *registered* person and any registration number issued to the *registered* person by the *director*,
 - (ii) a statement that the person has reviewed and taken responsibility for the *design activities*,
 - (iii) the person's name and any identifying number issued to the person by the *director* in respect of the qualifications described in Clause 2.17.4.2.(1)(b), and
 - (iv) the person's signature,
 - (g) the *registered* person shall, during the term of the registration, be covered by the insurance required under Subsection 2.21.2.,
 - (h) the *registered* person shall, within 15 days after the event, notify the *director* in writing of
 - (i) any change in address of the *registered* person for correspondence relating to the registration, and
 - (ii) any change in the information set out in Sentences 2.17.4.3.(4) and (5),
 - (i) the *registered* person shall give prompt written notice to the *director* of any material change in any of the information, other than the information referred to in Clause (h), that is contained in or accompanies an application for registration or renewal of a registration,
 - (j) the *registered* person shall, from time to time, at the *registered* person's expense, give the *director* such documents or information relating to the registration or to activities carried out under the registration as the *director* may reasonably require,
 - (k) the *registered* person shall allow the representatives of the *director* access to the *registered* person's books and records during normal business hours for the purpose of confirming matters related to the registration.

2.17.4.8. Updating of Qualifications

(1) Where an examination referred to in Clause 2.17.4.2.(1)(a) or (b) is replaced with a new examination, the *director* shall give notice of the new examination to every *registered* person who is registered in a class of registration to which the new examination relates.

(2) The *director* may give the notice referred to in Sentence (1) by sending it by regular letter mail to the last address of the *registered* person that has been provided to the *director*.

2.17.4.9. Suspension, Revocation, Refusal to Register or Renew a Registration

- (1) The *director* may, in the circumstances set out in Sentence (2):
- (a) refuse to register an applicant or to renew a registration, or
 - (b) suspend or revoke a registration.
- (2) The circumstances referred to in Sentence (1) are:
- (a) the *registered* person is in contravention of the Act or this Code,
 - (b) the *registered* person is in breach of a condition of the registration other than the condition set out in Clause 2.17.4.7.(1)(g),
 - (c) the registration was issued on the basis of mistaken, false or incorrect information,
 - (d) the *director* is of the opinion that the past conduct of the applicant or *registered* person or, if the applicant or *registered* person is a partnership or a corporation, the partners, officers or directors of the *registered* person, as the case may be, affords reasonable grounds for belief that the business that would be or is authorized by the registration will not be carried on in accordance with law,
 - (e) the application is incomplete, or
 - (f) any fees required under Article 2.17.4.5. remain unpaid.
- (3) If the *director* proposes to refuse to register or renew a registration or proposes to suspend or revoke a registration under Sentence (1), the *director* shall serve a notice of the proposal, together with the reasons for it, on the applicant or *registered* person.
- (4) A notice under Sentence (3) shall state that the applicant or *registered* person is entitled to a hearing before the *Tribunal* if the applicant or *registered* person, within 15 days after service of the notice referred to in Sentence (3), serves the *director* and the *Tribunal* with notice in writing requesting a hearing.
- (5) If the applicant or *registered* person does not request a hearing by the *Tribunal* in accordance with Sentence (4), the *director* may carry out the proposal stated in the notice under Sentence (3).
- (6) If the applicant or *registered* person requests a hearing before the *Tribunal* in accordance with Sentence (4), the *Tribunal* shall appoint a time for and hold a hearing and may by order direct the *director* to carry out the *director's* proposal or refrain from carrying it out and to take such other action as the *Tribunal* considers the *director* ought to take in accordance with the Act and this Code, and for those purposes the *Tribunal* may substitute its opinion for that of the *director*.
- (7) The *director*, the applicant or *registered* person who requested the hearing, and such other persons as the *Tribunal* may specify, are parties to proceedings before the *Tribunal*.
- (8) Sentences (3) to (7) do not apply and the *director* may cancel the registration of a *registered* person upon receipt of a request in writing for cancellation from the *registered* person in a form established by the *director*.
- (9) If, within the time period set out in Sentence 2.17.4.3.(2), a *registered* person has applied for renewal of a registration, paid the fee required under Article 2.17.4.5. and provided evidence satisfactory to the *director* that the *registered* person is covered by insurance required under Subsection 2.21.2. for the term of the renewal of the registration, the registration shall be deemed to continue until the earliest of

- (a) the day the registration is renewed,
- (b) if the *registered* person is served with notice that the *director* proposes to refuse to renew the registration, the day the time for giving notice requesting a hearing expires or, if a hearing is held, the day the *Tribunal* makes its order, and
- (c) the day when the *registered* person ceases to be covered by the insurance required under Subsection 2.21.2.

2.17.4.10. Mandatory Suspension or Revocation of Registration or Refusal to Register or Renew Registration

- (1) The *director* shall, in the circumstances set out in Sentence (2)
- (a) refuse to register an applicant,
 - (b) refuse to renew a registration, or
 - (c) suspend or revoke a registration.
- (2) The circumstances referred to in Sentence (1) are that
- (a) the applicant or *registered* person is not covered by the insurance required under Subsection 2.21.2., or
 - (b) an order under Subsection 69 (2) of the *Provincial Offences Act* is in effect directing that the registration of the person be suspended and no registration be issued to the person until a fine is paid.

under Sentence (1), the *director* shall serve a notice of the refusal, suspension or revocation, together with the reasons for it, on the *registered* person.

(4) A suspension or revocation of a registration under Sentence (1) takes effect immediately and the commencement of a proceeding before the *Tribunal* does not stay the operation of the suspension or revocation of the registration.

(5) A notice under Sentence (3) shall state that the *registered* person is entitled to a hearing before the *Tribunal* if the *registered* person, within 15 days after service of the notice referred to in Sentence (3), serves the *director* and the *Tribunal* with notice in writing requesting a hearing.

(6) The *Tribunal* may, on the application of the *registered* person, stay the operation of a decision of the *director* to suspend or revoke the registration and may grant the stay subject to conditions.

(7) If a *registered* person requests a hearing before the *Tribunal* in accordance with Sentence (5), the *Tribunal* shall appoint a time for and hold a hearing and may by order confirm, alter or revoke the decision of the *director* to refuse to register or to suspend or revoke the registration, as the case may be, and may take such action as the *Tribunal* considers the *director* ought to take in accordance with the Act and this Code, and for those purposes the *Tribunal* may substitute its opinion for that of the *director*.

(8) The *director* and the *registered* person who requested the hearing, and such other persons as the *Tribunal* may specify, are parties to proceedings before the *Tribunal*.

2.17.5. Qualifications — Other Designers

2.17.5.1. General

(1) Except as provided in Sentence (2), a person who carries out *design activities* after June 30, 2005 but is not required under Sentence 2.17.4.1.(1) to be *registered* with the *director* must have the following qualifications:

- (a) he or she shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to his or her knowledge of the Act and this Code in the category of qualification set out in Column 3 of Table 2.20.2.1. that corresponds to the type of *buildings* described in Column 4 of Table 2.20.2.1. for which the person carries out *design activities*,
- (b) he or she shall file the information set out in Sentence 2.17.5.3.(1) with the *director* in a form established by the *director*, and
- (c) he or she shall include the following information on any document respecting *design activities* that the person has reviewed and taken responsibility for and that is submitted to a *chief building official* or *registered code agency* in the circumstances set out in Subsection 15.11 (5) of the Act:
 - (i) the person's name and any identifying number issued to the person issued by the *director* in respect of the qualifications described in Clause (a),
 - (ii) a statement that the person has reviewed and taken responsibility for the *design activities*, and
 - (iii) the person's signature.

(2) A person is exempt from the requirement to comply with the qualifications in Sentence (1) if his or her *design activities* relate only to

- (a) *design activities* in respect of which a person described in Clause 2.17.4.7.(1)(d) or who has the qualifications required under Sentence (1) will review and take responsibility,
- (b) *construction* of:
 - (i) a *building* owned by the person that is a detached house, semi-detached house, townhouse or row house containing not more than two *dwelling units* where no *dwelling unit* is located above another *dwelling unit*, or
 - (ii) a detached structure that serves a *building* described in Subclause (2)(b)(i) and does not exceed 50 m² in *building area*,
- (c) *construction* of a *farm building* that
 - (i) is of *low human occupancy*,
 - (ii) is 2 *storeys* or less in *building height*, and
 - (iii) has a *building area* of less than 600 m²,
- (d) a *sewage system* to be *constructed* by that person and:
 - (i) the person is *registered* under Article 2.18.3.2., or
 - (ii) the *sewage system* is owned by the person,

- (e) *construction* of tents described in Sentence 3.13.1.2.(2),
- (f) *construction* of signs, other than projecting signs and signs described in Clause 3.14.3.2.(1)(a), (b) or (c), or
- (g) *construction* of a *building* for which a permit under Section 8 of the Act is applied for or issued before July 1, 2005 and for which the *construction* commences within six months after the permit is issued.

2.17.5.2. Updating of Qualifications

(1) When an examination that is part of an examination program referred to in Clause 2.17.5.1.(1)(a) is replaced with a new examination, the *director* shall give notice of the new examination to every person who has, pursuant to Clause 2.17.5.1.(1)(b), informed the *director* that he or she has completed the examination before its replacement.

(2) The *director* may give the notice referred to in Sentence (1) by sending it by regular letter mail to the last address of the person that has been filed with the *director*.

(3) It is a prescribed qualification for the purposes of Clause 8 (2) (c) and Subsection 15.11 (5) of the Act that, not more than 180 days after the day on which the notice referred to in Sentence (1) is given, the person to whom the notice is given shall:

- (a) successfully complete all new examinations referred to in the notice, and
- (b) file the information set out in Sentence 2.17.5.3.(1) with the *director* in a form established by the *director*.

2.17.5.3. Information

(1) The information referred to in Clauses 2.17.5.1.(1)(b) and 2.17.5.2.(3)(b) is the following:

- (a) the person's name, residence address and residential mailing address, if different from the residence address, and
- (b) information about the examinations that the person has successfully completed, in such detail as may be required by the *director*.

(2) A person who has filed information under Sentence (1) with the *director* shall advise the *director* of any change of address within 15 days of the change.

2.17.5.4. Fees

(1) The fee payable upon the filing of information referred to in Clause 2.17.5.1.(1)(b) or 2.17.5.2.(3)(b) is \$80.

(2) The amount of a fee referred to in Sentence (1) is reduced by \$10 if the information is filed and the fee is paid in accordance with a means of electronic filing and payment specified by the *director*.

(3) The Ministry of Municipal Affairs and Housing may charge a fee to a person who takes an examination for the purposes of this Section.

2.17.6. Public Register

2.17.6.1. Public Register

(1) The *director* shall establish and maintain a register available to the public that lists every person who has the qualifications required by Clause 8 (2) (c) and Subsection 15.11 (5) of the Act.

(2) The register referred to in Sentence (1) shall contain the following information in respect of every *registered* person:

- (a) the name of the *registered* person,
- (b) any identifying number assigned by the *director* to the *registered* person,
- (c) the business address of the *registered* person,
- (d) classes of registration of the *registered* person,
- (e) the names of the person or persons who will review and take responsibility for *design activities* carried out by the *registered* person in each class of registration, and
- (f) any identifying number assigned by the *director* to the person or persons referred to in Clause (e).

(3) The register referred to in Sentence (1) shall contain the following information in respect of persons who have the qualifications referred to in Sentence 2.17.5.1.(1):

- (a) the name of the person,
- (b) any identifying number assigned by the *director* to the person,
- (c) the qualifications of that person.

2.17.7.1. Classes and Categories

(1) Table 2.20.2.1. contains the classes of registration and categories of qualifications for the purposes of this Section.

Section 2.18. Qualifications for Persons Engaged in the Business of *Constructing On Site, Installing, Repairing, Servicing, Cleaning or Emptying Sewage Systems*

2.18.1. Scope

2.18.1.1. Scope

(1) This Section prescribes, for the purposes of Subsection 15.12 (1) of the Act, the qualifications for persons engaged in the business of *constructing* on site, installing, repairing, servicing, cleaning or emptying *sewage systems* after this Section comes into force.

2.18.2. Definition

2.18.2.1. Definition

(1) In this Section,

registered means *registered* under Article 2.18.3.2.

2.18.3. Qualifications

2.18.3.1. General

(1) Commencing on the day this Section comes into force, persons engaged in the business of *constructing* on site, installing, repairing, servicing, cleaning or emptying *sewage systems* shall have the following qualification:

(a) The person must be *registered* with the *director*.

(2) A registration shall be in a form established by the *director*.

(3) A *license* issued under Sentence 2.12.3.1. of this Code, as that Sentence read immediately before the day this Section came into force, shall be deemed to be a registration for the purposes of Clause (1)(a).

(4) A person is exempt from the requirement to comply with the qualification in Sentence (1) in respect of the activities of cleaning and emptying *sewage systems* if the person has been issued a certificate of approval under Section 39 of the *Environmental Protection Act* in respect of the activities of cleaning and emptying *sewage systems*.

2.18.3.2. Registration and Renewal of a Registration

(1) Subject to Article 2.18.3.9., the *director* may register an applicant, or renew a *registered* person's registration, if

(a) all persons who will supervise *construction* on site, installation, repair, servicing, cleaning or emptying *sewage systems* carried out by the applicant or *registered* person have successfully completed the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act, this Code and the *construction, maintenance and operation of sewage systems*,

(b) the application is complete, and

(c) all fees required under Article 2.18.3.5. are paid.

(2) A person who had, on the day before the day this Subsection came into force, the qualification described in Subclause 2.12.4.6.(1)(a), as it read on that day, shall be deemed to have successfully completed the examination program described in Clause (1)(a).

2.18.3.3. Application for Registration or Renewal of a Registration

(1) An application for registration or renewal of a registration shall be made to the *director* in a form established by the *director*.

(2) An application for renewal of a registration shall be made at least 60 days before the expiry of the registration to be renewed.

(3) An application for registration or renewal of a registration shall include an undertaking by the applicant or *registered* person to comply with the conditions set out in Article 2.18.3.7.

(4) If a partnership or a corporation is the applicant for registration or renewal of a registration, the application shall set out the names and residence addresses of all its partners, directors or officers, as the case may be.

(5) An application for registration or renewal of a registration shall contain the names of all partners, directors, officers or employees of the applicant or *registered* person, as the case may be, and all other persons who have been engaged by the applicant or *registered* person, who:

- (a) have the qualifications set out in Clause 2.18.3.2.(1)(a), and
- (b) will supervise the *construction* on site, installation, repair, servicing, cleaning or emptying of *sewage systems* to be carried out by the applicant or *registered* person.

(6) An application for registration or renewal of a registration shall contain evidence, provided by the applicant or *registered* person, that the persons referred to in Sentence (5) meet the qualifications set out in Clause 2.18.3.2.(1)(a).

2.18.3.4. Term

- (1) A registration expires 3 years after the date of its issuance.

2.18.3.5. Fees

- (1) The fee for a registration or renewal of a registration is \$50.
- (2) The amount of a fee referred to in Sentence (1) is reduced by \$5 if the application is made and the fee is paid in accordance with a means of electronic filing and payment specified by the *director*.
- (3) The Ministry of Municipal Affairs and Housing may charge a fee to a person who takes an examination for the purposes of this Section.

2.18.3.6. Not Transferable

- (1) A registration is not transferable.

2.18.3.7. Conditions

- (1) The following are the conditions of a registration:
 - (a) the *registered* person shall ensure that the *construction* on site, installation, repair, servicing, cleaning or emptying of *sewage systems* carried out by the *registered* person is supervised by a person who has the qualifications set out in Clause 2.18.3.2.(1)(a),
 - (b) not more than 180 days after the day a notice is given under Sentence 2.18.3.8.(1) by the *director* to the *registered* person, the *registered* person shall:
 - (i) ensure that the *construction* on site, installation, repair, servicing, cleaning or emptying of *sewage systems* carried out by the *registered* person is supervised by persons who have successfully completed the new examinations referred to in the notice, and
 - (ii) provide the following information to the *director*:
 - (A) the name of the person or persons carrying out the supervision, and
 - (B) information about the examinations that the person or persons have successfully completed, in such detail as may be required by the *director*,
 - (c) the *registered* person shall, within 15 days after the event, notify the *director* in writing
 - (i) of any change in address of the *registered* person for correspondence relating to the registration, and
 - (ii) of any change in the information set out in Sentences 2.18.3.3.(4) and (5),
 - (d) the *registered* person shall give prompt written notice to the *director* of any material change in any of the information other than the information referred to in Clause (1)(c) that is contained in or accompanies an application for registration or renewal of a registration,
 - (e) the *registered* person shall, from time to time, at the *registered* person's expense, give the *director* such documents or information relating to the registration or to activities carried out under the registration as the *director* may reasonably require, and
 - (f) the *registered* person shall allow the representatives of the *director* access to the *registered* person's books and records during normal business hours for the purpose of confirming matters related to the registration.

2.18.3.8. Updating of Qualifications

- (1) When an examination that is part of an examination program referred to in Clause 2.18.3.2.(1)(a) is replaced with a new examination, the *director* shall give notice of the new examination to every *registered* person.
- (2) The *director* may give the notice referred to in Sentence (1) by sending it by regular letter mail to the last address of the *registered* person that has been provided to the *director*.

2.18.3.9. Suspension, Revocation, Refusal to Register or Renew a Registration

- (1) The *director* may, in the circumstances set out in Sentence (2):
 - (a) refuse to register an applicant or renew a registration, or

(2) The circumstances referred to in Sentence (1) are:

- (a) the *registered* person is in contravention of the Act or this Code,
- (b) the *registered* person is in breach of a condition of the registration,
- (c) the registration was issued on the basis of mistaken, false or incorrect information,
- (d) the *director* is of the opinion that the past conduct of the applicant or *registered* person or, if the applicant or *registered* person is a partnership or a corporation, the partners, officers or directors of the *registered* person, as the case may be, affords reasonable grounds for belief that the business that would be or is authorized by the registration will not be carried on in accordance with law,
- (e) an order under Subsection 69 (2) of the *Provincial Offences Act* is in effect directing that the registration of the person be suspended and that no registration be issued to that person until a fine is paid,
- (f) the application is incomplete, or
- (g) any fees required under Article 2.18.3.5. remain unpaid.

(3) If the *director* proposes to refuse to register or renew a registration or proposes to suspend or revoke a registration, the *director* shall serve a notice of the proposal, together with the reasons for it, on the applicant or *registered* person.

(4) A notice under Sentence (3) shall state that the applicant or *registered* person is entitled to a hearing before the *Tribunal* if the applicant or *registered* person, within 15 days after service of the notice referred to in Sentence (3), serves the *director* and the *Tribunal* with notice in writing requesting a hearing.

(5) If an applicant or *registered* person does not request a hearing by the *Tribunal* in accordance with Sentence (4), the *director* may carry out the proposal stated in the notice under Sentence (3).

(6) If an applicant or *registered* person requests a hearing before the *Tribunal* in accordance with Sentence (4), the *Tribunal* shall appoint a time for and hold a hearing and may by order direct the *director* to carry out the *director's* proposal or refrain from carrying it out and to take such other action as the *Tribunal* considers the *director* ought to take in accordance with the Act and this Code, and for such purposes the *Tribunal* may substitute its opinion for that of the *director*.

(7) The *director*, the applicant or *registered* person who requested the hearing, and such other persons as the *Tribunal* may specify, are parties to proceedings before the *Tribunal*.

(8) Sentences (3) to (7) do not apply and the *director* may cancel the registration of a *registered* person upon receipt of a request in writing for cancellation from the *registered* person in a form established by the *director*.

(9) If, within the time period set out in Sentence 2.18.3.3.(2), a *registered* person has applied for renewal of a registration and paid the fee required under Article 2.18.3.5., the registration shall be deemed to continue until the earlier of

- (a) the day the registration is renewed, and
- (b) if the *registered* person is served with notice that the *director* proposes to refuse to renew the registration, the day the time for giving notice requesting a hearing expires or, if a hearing is held, until the day the *Tribunal* makes its order.

2.18.4. Public Register

2.18.4.1. Public Register

(1) The *director* shall establish and maintain a register available to the public listing every person who has the qualifications required by Subsection 15.12 (1) of the Act.

(2) The register referred to in Sentence (1) shall contain the following information with respect to every *registered* person:

- (a) the name of the *registered* person,
- (b) any identifying number assigned by the *director* to the *registered* person,
- (c) the business address of the *registered* person,
- (d) the names of the person or persons who will supervise the *construction* on site, installation, repair, servicing, cleaning or emptying *sewage systems* carried out by the *registered* person, and
- (e) any identifying number assigned by the *director* to the persons referred to in Clause (d).

Section 2.19. Qualifications for *Registered Code Agencies*

2.19.1. Scope

2.19.1.1. Scope

(1) This Section prescribes, for the purposes Subsection 15.11 (4) of the Act, the qualifications that a person must meet in order to be eligible to be appointed after June 30, 2005 as a *registered code agency* under the Act.

2.19.2. Definition

2.19.2.1. Definition

(1) In this Section,
registered means *registered* under Article 2.19.3.2.

2.19.3. Qualifications

2.19.3.1. General

(1) The following are prescribed as qualifications for persons to be appointed after June 30, 2005 under the Act as a *registered code agency*:

- (a) The person must be *registered* with the *director*.
- (2) A registration shall be in a form established by the *director*.

2.19.3.2. Registration and Renewal of a Registration

(1) Subject to Article 2.19.3.9., the *director* may register an applicant, or renew a *registered* person's registration, in each class of registration applied for if

- (a) the applicant or *registered* person or, if the applicant or *registered* person is a corporation or partnership, a director, officer, partner or employee of the applicant or *registered* person, has successfully completed the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code and the powers and duties of a *registered code agency*,
- (b) the applicant or *registered* person or, if the applicant or *registered* person is a corporation or partnership, one or more directors, officers, partners or employees of the applicant or *registered* person, have successfully completed the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code in the category of qualification set out in Column 2 of Table 2.20.2.2. that corresponds to each class of registration set out in Column 1 of Table 2.20.2.2. for which application is made,
- (c) all persons who will carry out plans review and inspection activities on behalf of the *registered code agency* have the qualifications set out in Clause (b) in respect of each class of registration for which application is made,
- (d) the applicant or *registered* person has in place a quality management plan referred to in Sentence 2.19.3.3.(3) for carrying out the activities of the applicant or *registered* person under the registration that is acceptable to the *director*,
- (e) the applicant or *registered* person is covered by the insurance required under Subsection 2.21.2. during the term of the registration applied for,
- (f) the application is complete, and
- (g) all fees required under Article 2.19.3.5. are paid.

2.19.3.3. Application for Registration or Renewal of a Registration

(1) An application for registration or renewal of a registration shall be made to the *director* in a form established by the *director*.

(2) An application for renewal of a registration shall be made at least 60 days before the expiry of the registration being renewed.

(3) An application for registration or renewal of a registration shall include a quality management plan for carrying out the activities of the applicant or *registered* person under the registration, including, without limitation:

- (a) procedures relating to the commencement of activities as a *registered code agency*, including procedures to verify that the applicant or *registered* person is qualified to undertake the activities and to verify that there exists no conflict of interest within the meaning of Sentence 2.22.3.1.(4),
- (b) identification of the responsibilities of persons who will carry out plans review and inspection activities of the applicant or *registered* person and procedures for the supervision of those persons,
- (c) procedures for assessing plans and specifications for conformity with this Code, including procedures for the acceptance under Section 9 of the Act of equivalent materials, systems and *building* designs,

- (e) procedures for receipt of notices that *construction* is ready for inspection and of written reports from *architects* and *professional engineers* arising out of the general review of the *construction of buildings*,
 - (f) procedures for the issuance of certificates and orders under the Act, including the responsibility of the persons with the qualifications set out in Sentences 2.22.5.3.(1) and (2),
 - (g) procedures for referral of matters to a *chief building official* under Subsection 14 (5) of the Act,
 - (h) procedures for participation of the applicant or *registered* person in proceedings before the Building Code Commission under Section 24 of the Act and before the Superior Court of Justice under Section 25 of the Act,
 - (i) procedures for documenting the activities of the applicant or *registered* person under the *registration*, including data control, records retention and the maintenance of security and confidentiality of records, and transferring records to the *principal authority*,
 - (j) procedures for training and supervision of personnel, and
 - (k) procedures for the review and up-dating of the quality management plan.
- (4) An application for registration or renewal of a registration shall include an undertaking by the applicant or *registered* person to comply with the conditions set out in Article 2.19.3.7.

(5) If a partnership or a corporation is the applicant for registration or renewal of a registration, an application for registration or renewal of a registration shall set out the names and residence addresses of all its partners, directors or officers, as the case may be.

(6) An application for registration or renewal of a registration shall contain the names of all partners, directors, officers or employees of the applicant or *registered* person, as the case may be, and all other persons who have been engaged by the applicant or *registered* person, who:

- (a) have the qualifications set out in Clauses 2.19.3.2.(1)(a) and (b), and
- (b) have the qualifications set out in Clauses 2.19.3.2.(1)(b) and (c) and will exercise powers and perform functions under the Act on behalf of the applicant or *registered* person.

(7) An application for registration or renewal of a registration shall contain evidence, provided by the applicant or *registered* person, that the persons referred to in Sentence (6) meet the qualifications set out in Clauses 2.19.3.2.(1)(a) to (c).

(8) An application for registration or renewal of a registration shall contain evidence, provided by the applicant or *registered* person, that the applicant or *registered* person is covered by the insurance required under Subsection 2.21.2. during the term of the registration applied for.

2.19.3.4. Term

- (1) A registration expires one year after the date of its issuance.

2.19.3.5. Fees

- (1) The fee for registration is \$300.
- (2) The fee for the addition of a new class of registration is \$50.
- (3) The fee for renewal of a registration is \$220.
- (4) The amount of a fee referred to in Sentence (1), (2) or (3) is reduced by 15 per cent and rounded to the nearest whole dollar if the application is made and the fee is paid in accordance with a means of electronic filing and payment specified by the *director*.

(5) The Ministry of Municipal Affairs and Housing may charge a fee to a person who takes an examination for the purposes of this Section.

2.19.3.6. Not Transferable

- (1) A registration is not transferable.

2.19.3.7. Conditions

- (1) The following are the conditions of a registration:
 - (a) the *registered* person shall carry out activities under the registration in accordance with the Act, this Code and the quality management plan referred to in Clause 2.19.3.2.(1)(d),
 - (b) if the *registered* person is a corporation or partnership, during the term of the registration there must be
 - (i) an officer, director, partner or employee of the *registered* person who has the qualifications set out in Clause 2.19.3.2.(1)(a), and

- (ii) one or more officers, directors, partners or employees of the *registered* person who have the qualifications set out in Clause 2.19.3.2.(1)(b) in respect of each class of registration that is held by the *registered* person,
- (c) not more than 180 days after the day a notice is given under Sentence 2.19.3.8.(1) by the *director* to the *registered* person, the *registered* person shall:
 - (i) ensure that the persons referred to in Clause (1)(b) have successfully completed the new examinations referred to in the notice, and
 - (ii) provide to the *director* the names of the persons and information about the examinations that the persons have successfully completed, in such detail as may be required by the *director*,
- (d) the *registered* person shall during the term of the registration, be covered by the insurance required by Subsection 2.21.2.,
- (e) the *registered* person shall, within 15 days after the event, notify the *director* in writing
 - (i) of any change in address of the *registered* person for correspondence relating to the registration, and
 - (ii) of any change in the information set out in Sentences 2.19.3.3.(5) and (6),
- (f) the *registered* person shall give prompt written notice to the *director* of any material change in any of the information, other than the information referred to in Clause (e) that is contained in or accompanies an application for registration or renewal of a registration,
- (g) the *registered* person shall, from time to time, at the *registered* person's expense, give to the *director* such documents or information relating to the registration of the *registered* person or to activities carried out under the registration as the *director* may reasonably require,
- (h) the *registered* person shall allow the representatives of the *director* access to the *registered* person's books and records during normal business hours for the purpose of confirming matters related to the registration.

2.19.3.8. Updating of Qualifications

- (1) Where an examination in an examination program referred to in Clause 2.19.3.2.(1)(a), (b) or (c) is replaced with a new examination, the *director* shall give notice of the new examination to every *registered* person who is registered in a class of registration set out in Column 1 of Table 2.20.2.2. to which the examination relates.
- (2) The *director* may give the notice referred to in Sentence (1) by sending it by regular letter mail to the last address of the *registered* person that has been provided to the *director*.

2.19.3.9. Suspension, Revocation, Refusal to Register or Renew a Registration

- (1) The *director* may, in the circumstances set out in Sentence (2),
 - (a) refuse to register an applicant,
 - (b) refuse to renew a registration, or
 - (c) suspend or revoke a registration.
- (2) The circumstances referred to in Sentence (1) are:
 - (a) the *registered* person is in contravention of the Act or this Code,
 - (b) the *registered* person is in breach of a condition of the registration other than the condition set out in Clause 2.19.3.7.(1)(d),
 - (c) the registration was issued on the basis of mistaken, false or incorrect information,
 - (d) the *director* is of the opinion that the past conduct of the applicant or *registered* person or, if the applicant or *registered* person is a partnership or a corporation, the partners, officers or directors of the *registered* person, as the case may be, affords reasonable grounds for belief that the business that would be or is authorized by the registration will not be carried on in accordance with law,
 - (e) the *director* is of the opinion that there are reasonable grounds for belief that the activities of the applicant or *registered* person are or will be carried on in a manner that poses a threat to public safety,
 - (f) the application is incomplete, or
 - (g) any fees required under Article 2.19.3.5. remain unpaid.
- (3) If the *director* proposes to refuse to register or renew a registration or proposes to suspend or revoke a registration under Sentence (1), the *director* shall serve a notice of the proposal, together with the reasons for it, on the applicant or *registered* person.

Tribunal if the applicant or *registered* person, within 15 days after service of the notice referred to in Sentence (3), serves the *director* and the *Tribunal* with notice in writing requesting a hearing.

(5) If an applicant or *registered* person does not request a hearing by the *Tribunal* in accordance with Sentence (4), the *director* may carry out the proposal stated in the notice under Sentence (3).

(6) If an applicant or *registered* person requests a hearing before the *Tribunal* in accordance with Sentence (4), the *Tribunal* shall appoint a time for and hold a hearing and may by order direct the *director* to carry out the *director's* proposal or refrain from carrying it out and to take such other action as the *Tribunal* considers the *director* ought to take in accordance with the Act and this Code, and for those purposes the *Tribunal* may substitute its opinion for that of the *director*.

(7) The *director*, the applicant or *registered* person who requested the hearing, and such other persons as the *Tribunal* may specify, are parties to proceedings before the *Tribunal*.

(8) A proposal to suspend or revoke a registration by reason of Clause (2)(e) takes effect immediately and the commencement of a proceeding before the *Tribunal* does not stay the operation of the proposal to suspend or revoke the registration.

(9) The *Tribunal* may, on the application of the *registered* person, stay the operation of the proposal of the *director* to suspend or revoke the registration, and may grant the stay subject to conditions.

(10) Sentences (3) to (9) do not apply and the *director* may cancel the registration of a *registered* person upon receipt of a request in writing for cancellation from the *registered* person in a form established by the *director*.

(11) Subject to Sentence (8), if within the time period set out in Sentence 2.19.3.3.(2) a *registered* person has applied for renewal of a registration, paid the fee required under Article 2.19.3.5. and provided evidence satisfactory to the *director* that the *registered* person is covered by insurance required under Subsection 2.21.2. for the term of the renewal of the registration, the registration shall be deemed to continue until the earliest of

- (a) the day the registration is renewed,
- (b) if the *registered* person is served with notice that the *director* proposes to refuse to renew the registration, the day the time for giving notice requesting a hearing expires or, if a hearing is held, the day the *Tribunal* makes its order, and
- (c) the day when the *registered* person ceases to be covered by the insurance required under Subsection 2.21.2.

2.19.3.10. Mandatory Suspension or Revocation of Registration or Refusal to Register or Renew a Registration

(1) The *director* shall, in the circumstances set out in Sentence (2),

- (a) refuse to register an applicant,
- (b) refuse to renew a registration, or
- (c) suspend or revoke a registration.

(2) The circumstances referred to in Sentence (1) are:

- (a) the *registered* person is not covered by the insurance required under Subsection 2.21.2., or
- (b) an order under Subsection 69 (2) of the *Provincial Offences Act* is in effect directing that the registration of the person be suspended and that no registration be issued to that person until a fine is paid.

(3) If the *director* refuses to register an applicant, refuses to renew a registration or suspends or revokes a registration under Sentence (1), the *director* shall serve a notice of the refusal, suspension or revocation, together with the reasons for it, on the *registered* person.

(4) A suspension or revocation of a registration under Sentence (1) takes effect immediately and the commencement of a proceeding before the *Tribunal* does not stay the operation of the suspension or revocation of the registration.

(5) The *Tribunal* may, on the application of the *registered* person, stay the operation of a decision of the *director* to suspend or revoke the registration, and may make the stay subject to conditions.

(6) A notice under Sentence (3) shall state that the *registered* person is entitled to a hearing before the *Tribunal* if the *registered* person, within 15 days after service of the notice referred to in Sentence (3), serves the *director* and the *Tribunal* with notice in writing requesting a hearing.

(7) If a *registered* person requests a hearing before the *Tribunal* in accordance with Sentence (6), the *Tribunal* shall appoint a time for and hold a hearing and may by order confirm, alter or revoke the decision of the *director* to refuse to register or to suspend or revoke the registration and may take such action as the *Tribunal* considers the *director* ought to take in accordance with the Act and this Code, and for such purposes the *Tribunal* may substitute its opinion for that of the *director*.

(8) The *director* and the *registered* person who requested the hearing, and such other persons as the *Tribunal* may specify, are parties to proceedings before the *Tribunal*.

2.19.4. Public Register

2.19.4.1. Public Register

(1) The *director* shall establish and maintain a register available to the public listing every person who has the qualifications required by Subsection 15.11 (4) of the Act.

(2) The register referred to in Sentence (1) shall contain the following information in respect of every *registered* person:

- (a) the name of the *registered* person,
- (b) any identifying number assigned by the *director* to the *registered* person,
- (c) the business address of the *registered* person,
- (d) the classes of registration of the *registered* person, and
- (e) the names of any persons who will exercise powers and perform functions under the Act on behalf of the *registered* person in each class of registration and any identifying number assigned by the *director* to that person.

2.19.5. Classes of Registration and Categories of Qualifications

2.19.5.1. Classes and Categories

(1) Table 2.20.2.2. contains the classes of registration and categories of qualifications for the purposes of this Section.

Section 2.20. Classes of Registration and Categories of Qualifications

2.20.1. Scope

2.20.1.1. Scope

(1) This Section sets out classes of registration and categories of qualifications for the purposes of Sections 2.16., 2.17., 2.19. and 2.22.

2.20.2. Classes of Registration and Categories of Qualifications

2.20.2.1. Inspectors and Persons Who Carry out Design Activities

(1) Table 2.20.2.1. sets out the classes of registration and categories of qualifications for persons who carry out *design activities* and the categories of qualifications for *inspectors*.

TABLE 2.20.2.1.

Classes of Registration and Categories of Qualifications For *Inspectors* and Persons Who Carry Out *Design Activities* Forming Part of Sentence 2.20.2.1.(1)

Row Number	Classes of Registration for Persons engaged in the business of providing <i>Design Activities</i> to the public	Categories of Qualifications for <i>Inspectors</i> and Persons described in Clauses 2.17.4.2.(1)(a) and (b) and 2.17.5.1.(1)(a)	Type of <i>Building</i>
1	House	House	<p>(a) A <i>building</i> that is a detached house, semi-detached house, townhouse or row house where no <i>dwelling unit</i> is located above another <i>dwelling unit</i>, and the <i>building</i> systems, works, fixtures and service systems appurtenant to these <i>buildings</i>,</p> <p>including:</p> <p>(b) a detached structure that serves the <i>building</i> and does not exceed 50 m² in <i>building area</i>, and</p> <p>excluding:</p> <p>(c) <i>buildings</i> and parts of <i>buildings</i> described in Column 4 of any of Rows 5, 6, 7, 8 and 10 of this Table.</p>

Row Number	Registration for Persons engaged in the business of providing <i>Design Activities</i> to the public	Qualifications for <i>Inspectors</i> and Persons described in Clauses 2.17.4.2.(1)(a) and (b) and 2.17.5.1.(1)(a)	Type of Building
2	Small Buildings	Small Buildings	<p>(a) <i>Buildings</i> described in Clauses 2.1.1.3.(1)(a), (b) and (c) and the <i>building</i> systems, works, fixtures and service systems appurtenant to these <i>buildings</i>,</p> <p>including:</p> <p>(b) <i>buildings</i> and parts of <i>buildings</i></p> <p>(i) described in Column 4 of Row 1 of this Table, or</p> <p>(ii) to which any of Sections 3.10., 3.11., 3.11A., 3.13. and 3.14. apply and that are appurtenant to or serve <i>buildings</i> described in Clause (a),</p> <p>excluding:</p> <p>(c) <i>buildings</i> and parts of <i>buildings</i> described in Column 4 of any of Rows 4 to 10 of this Table.</p>
3	Large Buildings	Large Buildings	<p>(a) <i>Buildings</i> described in Clause 2.1.1.2.(1)(a) or (b) and the <i>building</i> systems, works, fixtures and service systems appurtenant to these <i>buildings</i>,</p> <p>excluding:</p> <p>(b) <i>buildings</i> and parts of <i>buildings</i> described in Column 4 of any of Rows 4 to 10 of this Table.</p>
4	Complex Buildings	Complex Buildings	<p>(a) <i>Post-disaster buildings</i>, and</p> <p>(b) <i>buildings</i> containing <i>building</i> systems, works, fixtures and service systems to which Subsection 3.2.6. or any provision in Articles 3.2.8.2. to 3.2.8.11. apply and that are appurtenant to <i>buildings</i> described in Clause (a) of Column 3 of Row 2 or 3 of this Table,</p> <p>excluding:</p> <p>(c) <i>buildings</i> and parts of <i>buildings</i> described in Column 4 of any of Rows 5 to 10 of this Table.</p>
5	Plumbing — House	Plumbing — House	All <i>plumbing</i> systems to which Part 7 applies that are appurtenant to a <i>building</i> that is a detached house, semi-detached house, townhouse or row house where no <i>dwelling unit</i> is located above another <i>dwelling unit</i> .
6	Plumbing — All Buildings	Plumbing — All Buildings	<p>(a) All <i>plumbing</i> systems to which Part 7 applies,</p> <p>including:</p> <p>(b) <i>buildings</i> and parts of <i>buildings</i> described in Column 4 of Row 5 of this Table.</p>
7	HVAC — House	HVAC — House	All <i>building</i> systems, works, fixtures and service systems to which Section 9.32. or 9.33. applies that are appurtenant to a <i>building</i> that is a detached house, semi-detached house, townhouse or row house where no <i>dwelling unit</i> is located above another <i>dwelling unit</i> .
8	Building Services	Building Services	<p>(a) <i>building</i> systems, works, fixtures and service systems,</p> <p>(i) that are appurtenant to <i>buildings</i> described in Clause 2.1.1.2.(1)(a) or (b) or Clauses 2.1.1.3.(1)(a), (b) and (c) and that relate to fire suppression, fire detection, smoke control, exhaust, vertical movement of smoke, energy efficiency, lighting and emergency power, and</p>

Row Number	Classes of Registration for Persons engaged in the business of providing <i>Design Activities</i> to the public	Categories of Qualifications for <i>Inspectors</i> and Persons described in Clauses 2.17.4.2.(1)(a) and (b) and 2.17.5.1.(1)(a)	Type of Building
			(b) <i>building</i> systems, works, fixtures and service systems appurtenant to <i>buildings</i> to which Part 6 applies or to which Section 9.32. or 9.33. applies, including: (c) <i>buildings</i> and parts of <i>buildings</i> described in Column 4 of Row 7 of this Table.
9	<i>Building Structural</i>	<i>Building Structural</i>	(a) Internal and external <i>load-bearing</i> structural elements essential to the stability or strength of a <i>building</i> described in Clause 2.1.1.2.(1)(a) or (b) or Clauses 2.1.1.3.(1)(a), (b) and (c) and that resist <i>dead loads</i> or <i>live loads</i> including, but not limited to, <i>foundations</i> , floors, walls, roofs, columns and beams, and (b) structures designated in Sentence 2.1.2.1.(1).
10	<i>On-site Sewage Systems</i>	<i>On-site Sewage Systems</i>	<i>Sewage systems</i> to which Part 8 applies.
Column 1	Column 2	Column 3	Column 4

2.20.2.2. Registered Code Agencies

(1) Table 2.20.2.2. sets out the classes of registration for *registered code agencies* and the categories of qualifications for persons described in Clauses 2.19.3.2.(1)(a) to (c).

TABLE 2.20.2.2.

Classes of Registration and Categories of Qualifications *Registered Code Agencies* Forming Part of Sentence 2.20.2.2.(1)

Classes of Registration for <i>Registered Code Agencies</i>	Category of Qualification for Persons described in Clauses 2.19.3.2.(1)(a) to (c)	Type of Building Reference to Table 2.20.2.1.
House	House	Column 4 of Row 1
	<i>Plumbing</i> — House	Column 4 of Row 5
	HVAC — House	Column 4 of Row 7
	<i>On-Site Sewage Systems</i>	Column 4 of Row 10
Small Buildings	<i>Small Buildings</i>	Column 4 of Row 2
	<i>Plumbing</i> — All Buildings	Column 4 of Row 6
	<i>Building Services</i>	Column 4 of Row 8
	<i>Building Structural</i>	Column 4 of Row 9
	<i>On-Site Sewage Systems</i>	Column 4 of Row 10
Large Buildings	<i>Large Buildings</i>	Column 4 of Row 3
	<i>Plumbing</i> — All Buildings	Column 4 of Row 6
	<i>Building Services</i>	Column 4 of Row 8
	<i>Building Structural</i>	Column 4 of Row 9
	<i>On-site Sewage Systems</i>	Column 4 of Row 10
Complex Buildings	<i>Complex Buildings</i>	Column 4 of Row 4
	<i>Plumbing</i> — All Buildings	Column 4 of Row 6
	<i>Building Services</i>	Column 4 of Row 8
	<i>Building Structural</i>	Column 4 of Row 9
	<i>On-site Sewage Systems</i>	Column 4 of Row 10
<i>On-site Sewage Systems</i>	<i>On-site Sewage Systems</i>	Column 4 of Row 10
Column 1	Column 2	Column 3

2.21.1. Scope

2.21.1.1. Scope

(1) This Section prescribes, for the purposes of Subsection 15.13 (1) of the Act, the insurance coverage that *registered code agencies* and persons referred to in Subsection 15.11 (5) of the Act must have.

2.21.2. Insurance for *Registered Code Agencies* and Persons Referred to in Subsection 15.11 (5) of the Act

2.21.2.1. Definition

(1) In this Subsection, *registered person* means a person who is registered under Article 2.17.4.2. or 2.19.3.2.

2.21.2.2. Scope

(1) Every person registered under Article 2.17.4.2. or 2.19.3.2. shall have insurance coverage under an insurance policy that satisfies the requirements set out in Article 2.21.2.3.

2.21.2.3. Insurance Coverage

(1) The insurance policy

(a) shall indemnify the *registered person* against liability imposed by law arising out of the performance of or the failure to perform services as a *registered person* during any time while the person is registered under Article 2.17.4.1. or 2.19.3.2. for claims that are first made and reported to the insurer during the period of insurance or during any extended reporting period required by Clause (1)(c),

(b) shall set out the name of the *registered person*,

(c) in the case of a person registered under Article 2.19.3.2.,

(i) shall require an extended reporting period of two years for the purposes of giving notice of any claim or occurrence that the *registered person* could reasonably foresee might give rise to a claim, with respect to an event that occurs prior to the person ceasing to be insured,

(ii) shall provide that the extended reporting period described in Subclause (i) shall commence on the day the person ceases to be insured, and

(iii) shall require the *registered person* to make full payment of all premiums for the extended reporting period referred to in Subclause (i) as part of the premiums for the issuance of the insurance policy,

(d) shall provide for insurance coverage to commence,

(i) on the date the *registered person* becomes registered, or

(ii) in the case of a *registered person* previously insured in accordance with this Article, on the expiry of the previous policy,

(e) shall require the insurer to notify the *director* in writing immediately if the policy is declared void for material misrepresentation,

(f) shall specify a limit of indemnity for any one claim and in the aggregate during any one period of insurance that is not less than

(i) in the case of persons registered under Article 2.17.4.2.,

(A) \$1,000,000 per claim and \$2,000,000 in the aggregate, if the person billed \$100,000 or more in fees in the 12 months immediately before the issuance of the policy,

(B) \$500,000 per claim and \$1,000,000 in the aggregate, if the person billed more than \$50,000 and less than \$100,000 in fees in the 12 months immediately before the issuance of the policy,

(C) \$250,000 per claim and \$500,000 in the aggregate, if the person billed \$50,000 or less in fees in the 12 months immediately before the issuance of the policy, or

(D) the limits of indemnity for any one claim and in the aggregate that are set out in Sub-subclause (A), (B) or (C), as determined by reference to the person's estimated fees billings for the 12-month period immediately after the issuance of the policy, if the person has been registered less than one year before the issuance of the policy, and

(ii) in the case of persons registered under Article 2.19.3.2., \$1,000,000 per claim and \$2,000,000 in the aggregate, except that those limits shall apply exclusively to the exercise of the powers and performance of the duties of a *registered code agency* under the Act by the *registered person* and shall be in addition to any insurance applicable to any other activities carried on by the *registered person*,

- (g) shall provide that any costs and expenses necessarily incurred by the insurer in the investigation, defence or settlement of claims under the policy shall not be part of the limit of indemnity set out in Clause (f),
- (h) shall not provide that the insured shall be responsible for the first portion of any sum that the insured becomes legally liable to pay in respect of a claim made against him, her or it in respect of any one claim or occurrence in an amount exceeding the lesser of:
 - (i) \$70,000, and
 - (ii) 5% of
 - (A) the amount of fees billed by the insured in the 12 months immediately before the issuance of the policy, or
 - (B) the amount of the insured's estimated fees billings for the 12- month period immediately after the issuance of the policy, if the insured has been registered under Article 2.17.4.2. less than one year before the issuance of the policy,
- (i) shall provide that it cannot be cancelled by the insured unless,
 - (i) the insured immediately replaces the policy with another policy that satisfies the requirements of this Article,
 - (ii) the insurer has given notice in writing of the proposed cancellation to the *director*, and
 - (iii) the notice described in Subclause (ii) was received by the *director* at least 30 days before the day the policy is cancelled,
- (j) shall provide that it cannot be cancelled by the insurer unless,
 - (i) it is cancelled for non-payment of a premium,
 - (ii) the insurer has given notice in writing of the proposed cancellation to the *director*, and
 - (iii) the notice described in Subclause (ii) was received by the *director* at least 30 days before the day the policy is cancelled,
- (k) shall provide for the continuation of coverage if the insured is adjudged a bankrupt, insolvent, incompetent or dies during the period of insurance, and
- (l) may provide that coverage be subject to such exclusions and conditions and otherwise on such terms as are consistent with normal insurance industry practice from time to time.

18. The Regulation is amended by adding the following Section:

Section 2.22. Registered Code Agencies

2.22.1. Appointment of Registered Code Agency under Section 4.1 of the Act

2.22.1.1. Agreements

- (1) An agreement between a *principal authority* and a *registered code agency* under Subsection 4.1 (1) of the Act shall be made in writing and shall:
 - (a) specify the functions that the *registered code agency* is authorized to perform,
 - (b) specify the *construction* of the *building* or class of *buildings* in respect of which the functions will be performed,
 - (c) set out the procedure by which the *principal authority* will appoint the *registered code agency* to perform specified functions in respect of the *construction* of a *building* or class of *buildings*,
 - (d) require that the *registered code agency* carry out its functions under the agreement in accordance with the Act and this Code and the quality management plan described in Clause 2.19.3.2.(1)(d),
 - (e) provide for the provision by the *principal authority* to the *registered code agency* of such plans, specifications and other information, including applications for permits, that the *registered code agency* may require in order to act under the appointment.
- (2) An agreement under Subsection (1)
 - (a) may contain provisions in addition to the provisions required under Subsection (1) if the additional provisions are not inconsistent with the provisions required under that Subsection, and
 - (b) shall not contain any provision that relates to the *construction* of *buildings* for a class of registration for which the *registered code agency* is not registered under Section 2.19.

(1) An appointment under Subsection 4.1 (2) of the Act by a *principal authority* of a *registered code agency* to perform specified functions in respect of the *construction* of a *building* or class of *buildings* shall be made in writing and shall:

- (a) specify the *construction* of the *building* or class of *buildings* in respect of which the appointment relates,
- (b) specify the functions described in Section 15.15 of the Act that the *registered code agency* is appointed to perform, and
- (c) require that the *registered code agency* carry out its functions under the appointment in accordance with the Act and this Code and the quality management plan described in Clause 2.19.3.2.(1)(d).

(2) An appointment described in Subsection (1) may contain provisions in addition to the provisions required under Subsection (1) if the additional provisions are not inconsistent with the provisions required under that Subsection.

2.22.2. Appointment of Registered Code Agency under Subsection 4.2 (2) of the Act

2.22.2.1. Who May Appoint Registered Code Agency

(1) A person who is entitled under Sentence 2.4.1.1A.(1) to apply for a permit under Section 8 of the Act may, under Subsection 4.2 (2) of the Act, appoint a *registered code agency* to perform all of the functions described in Section 15.15 of the Act in respect of the *construction* of a *building*.

2.22.2.2. Manner of Appointment

- (1) An appointment of a *registered code agency* under Subsection 4.2 (2) of the Act shall be made in writing and shall:
 - (a) specify the *construction* of the *building* to which the appointment relates,
 - (b) state that the *registered code agency* has been appointed to perform all of the functions described in Section 15.15 of the Act in respect of the *construction* of the *building*,
 - (c) require that the *registered code agency* carry out its functions under the appointment in accordance with the Act and this Code and the quality management plan described in Clause 2.19.3.2.(1)(d),
 - (d) not make the issuance of a certificate under the Act by the *registered code agency* a condition of entitlement to any fee to be paid to the *registered code agency*,
 - (e) not limit any civil liability that might arise from performance of any functions by the *registered code agency* under the appointment.

(2) Only a *registered code agency* that is registered under Article 2.19.3.2 in the registration class for "House" in Column 1 of Table 2.20.2.2. may be appointed under Sentence (1).

2.22.3. When a Registered Code Agency may not be Appointed or Continue to Act under an Appointment

2.22.3.1. General

(1) A *registered code agency* may not be appointed to perform functions under Section 15.15 of the Act in respect of a building or continue to act under an appointment in respect of a building if the *registered code agency*:

- (a) is not registered under Section 2.19 in respect of the class of registration to which the *construction* of the *building* relates, or
- (b) is in breach of a condition of its registration under Article 2.19.3.7.

(2) Where under Subsection 2.3.1. the design and general review of *construction* of a *building* must be undertaken by an *architect* or *professional engineer* or both, a *registered code agency* may not be appointed to perform functions under Section 15.15 of the Act or continue to act under an appointment in respect of the *construction* of the *building* unless the *registered code agency* or an officer, director, partner or employee of the *registered code agency* is an *architect* or *professional engineer* or both, as the case may be.

(3) A *registered code agency* shall not be appointed under the Act or continue to act under an appointment if the *registered code agency* would be in a conflict of interest.

(4) For the purposes of Sentence (3), a *registered code agency* would be in a conflict of interest if the *registered code agency* or an officer, director, partner or employee of the *registered code agency* or any person engaged by the *registered code agency* to perform functions for it:

- (a) has participated or participates, in any capacity, in *design activities* or *construction* relating to any part of the *building* to which an appointment relates,
- (b) is or has been employed within the previous 180 days by a person who carried out *design activities* or *construction* relating to any part of the *building*,

(c) has a professional or financial interest in:

- (i) the *construction* of the *building* to which the appointment relates,
- (ii) the *building* to which the appointment relates, or
- (iii) the person responsible for the design of the *building* to which the appointment relates,

(d) is an elected official, officer or employee of a *principal authority*.

(5) For the purposes of Clause (4)(c), involvement with a *building* as a *registered code agency* and entitlement to any fee paid for acting as a *registered code agency* in respect of a *building* shall not be considered to be a professional or financial interest in the *construction* of the *building*, the *building* or the person responsible for the design of the *building*.

2.22.4. Additional Functions that Registered Code Agencies may be Appointed To Perform

2.22.4.1. General

(1) In addition to the functions described in Paragraphs 1 to 5 of Section 15.15 of the Act, a *registered code agency* may be appointed to perform the functions set out in Sentence 2.22.5.3.(5).

2.22.5. Manner in which Registered Code Agency shall Perform Functions

2.22.5.1. General

(1) The *registered code agency* shall perform the functions specified in an appointment in accordance with the Act and this Code and the quality management plan referred to in Clause 2.19.3.2.(1)(d).

(2) The *registered code agency* shall perform the functions specified in an appointment in accordance with the code of conduct set out in the Supplementary Guidelines to the 1997 OBC.

2.22.5.2. Plans Review and Inspection Activities

(1) The *registered code agency* shall ensure that plans review and inspection activities of the *registered code agency* are carried out by a person who has the qualifications set out in Clause 2.19.3.2.(1)(b) or (c) in respect of the type of *building* set out in Column 3 of Table 2.20.2.2. for which the person is carrying out the activities.

(2) Not more than 180 days after the day a notice is given under Sentence 2.19.3.8.(1) by the *director* to the *registered code agency*, the *registered code agency* shall:

- (a) ensure that plans review and inspection activities of the *registered code agency* in the category of qualification to which the notice relates are carried out by persons who have successfully completed all new examinations referred to in the notice, and
- (b) provide the following information to the *director*:
 - (i) the name and residence address of the person, and
 - (ii) information required by the *director* about the examinations that the person or persons have successfully completed.

(3) A *registered code agency* shall prepare written records of every inspection of the *construction* of a *building* that is undertaken by the *registered code agency* in the course of performing functions under an appointment.

(4) The record required under Sentence (3) shall include:

- (a) the date of receipt of the notice of readiness for inspection, if any,
- (b) the date of the inspection,
- (c) the reason for the inspection,
- (d) whether non-compliance with this Code was observed in the course of the inspection and the details of the non-compliance.

(5) If a *registered code agency* has issued an order under Subsection 12 (2), 13 (1) or 13 (6) of the Act, the *registered code agency* shall prepare a written record consisting of:

- (a) a copy of the order,
- (b) the persons on whom the order was served and the date and manner of service,
- (c) when and how the order was complied with, and
- (d) if the order has not been complied with, the efforts made by the *registered code agency* to achieve compliance by the persons responsible for compliance.

(1) Subject to Sentence (2), every certificate issued under the Act by a *registered code agency* shall, in accordance with the quality management plan referred to in Clause 2.19.3.2.(1)(d), be signed by the *registered code agency* or, if the *registered code agency* is a corporation or partnership, by a person described in Clause 2.19.3.2.(1)(a).

(2) If the certificate is issued in respect of the *construction* of a *building* that would under Section 2.3.1. be required to be designed by and under the general review of an *architect* or *professional engineer* or both, the certificate shall also be signed on behalf of the *registered code agency* by an *architect* or a *professional engineer* or both, as the case may be, who is an officer, director, partner or employee of the *registered code agency*.

(3) A *registered code agency* may issue a *plans review certificate* if the *registered code agency*:

- (a) has been appointed to perform the functions described in Clause 4.1 (4) (a) or (c) of the Act or has been appointed under Subsection 4.2 (2) of the Act in respect of the proposed *construction* of the *building* to which the *plans review certificate* applies,
- (b) has, in conformity with the Act, this Code and the quality management plan described in Clause 2.19.3.2.(1)(d), carried out the applicable functions for which the *registered code agency* was appointed, and
- (c) is satisfied on reasonable grounds that, on date on which the *plans review certificate* is issued, the proposed *construction* of the *building* to which the *plans review certificate* relates is in compliance with this Code.

(4) A *registered code agency* may issue a *change certificate* if the *registered code agency*:

- (a) has been appointed to perform the functions described in Clauses 4.1 (4) (a) to (c) of the Act or has been appointed under Subsection 4.2 (2) of the Act in respect of the *construction* or proposed *construction* of the *building* to which the *change certificate* applies,
- (b) has, in conformity with the Act, this Code and the quality management plan described in Clause 2.19.3.2.(1)(d), carried out the applicable functions for which the *registered code agency* was appointed, and
- (c) is satisfied on reasonable grounds that, on the date on which the *change certificate* is issued, the proposed *construction* of the *building* to which the *change certificate* relates is in compliance with this Code.

(5) A *registered code agency* may issue a *certificate for the occupancy of a building not fully completed* if the *registered code agency*:

- (a) has been appointed to perform the functions described in Clause 4.1 (4) (b) or (c) of the Act or has been appointed under Subsection 4.2 (2) of the Act in respect of the *construction* of the *building* to which the *certificate for the occupancy of a building not fully completed* applies,
- (b) has, in conformity with the Act, this Code and the quality management plan described in Clause 2.19.3.2.(1)(d), carried out the applicable functions for which the *registered code agency* was appointed, and
- (c) is satisfied on reasonable grounds that, on the date on which the *certificate for the occupancy of a building not fully completed* is issued, the *construction* of the *building* to which the *certificate for the occupancy of a building not fully completed* relates is in compliance with Clauses 2.4.3.1.(2)(a) to (q) of this Code.

(6) A *registered code agency* may issue a *final certificate* if the *registered code agency*:

- (a) has been appointed to perform the functions described in Clause 4.1 (4) (b) or (c) of the Act or has been appointed under Subsection 4.2 (2) of the Act in respect of the *construction* of the *building* to which the *final certificate* applies,
- (b) has, in conformity with the Act, this Code and the quality management plan described in Clause 2.19.3.2.(1)(d), carried out the applicable functions for which the *registered code agency* was appointed, and
- (c) is satisfied on reasonable grounds that on the date on which the *final certificate* is issued, the *construction* of the *building* to which the *final certificate* relates is in compliance with this Code.

2.22.5.4. Issuance of Orders by Registered Code Agencies

(1) Orders under Subsections 13 (6) and 14 (1) of the Act shall, in accordance with the quality management plan described in Clause 2.19.3.2.(1)(d), be signed by the *registered code agency* or a person described in Clause 2.19.3.2.(1)(a).

(2) Orders under Subsections 12 (2) and 13 (1) and Clause 18 (1) (f) of the Act shall, in accordance with the quality management plan described in Clause 2.19.3.2.(1)(d), be signed by the *registered code agency* or by a person described in Clause 2.19.3.2.(1)(b) or (c).

2.22.5.5. Authorized Persons

(1) Persons who possess the qualifications described in Clauses 2.19.3.2.(1)(a), (b) and (c) are prescribed for the purposes of Subsection 15.17 (1) of the Act.

(2) The certificate of authorization referred to in Subsection 15.17 (2) of the Act shall, in accordance with the quality management plan described in Clause 2.19.3.2.(1)(d), be signed by a representative of the *registered code agency* who is described in Clause 2.19.3.2.(1)(a) and shall contain the following information:

- (a) the name of the *registered code agency* and any identifying number issued by the *director* to the *registered code agency*,
- (b) the title, business address and business telephone number of a representative of the *registered code agency* who may be contacted to answer questions about the certificate and the authorization to which it relates,
- (c) the name of the authorized person and any identifying number issued by the *director* to the authorized person in respect of that person's qualifications,
- (d) the scope of the powers that may be exercised and the functions that may be performed by the authorized person,
- (e) the date of issuance of the certificate.

(3) Every person described in Sentence (1) shall carry his or her certificate of authorization when performing duties and shall produce the certificate for inspection upon request.

2.22.5.6. Prohibition

(1) A *registered code agency* shall not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that

- (a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the *director* that the *registered code agency* or any other person has contravened or intends to contravene a provision of the Act or this Code,
- (b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is a contravention of a provision of the Act or this Code,
- (c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order that a provision of the Act or this Code not be contravened, or
- (d) the *registered code agency* believes that the employee will do anything referred to in Clause (a), (b) or (c).

(2) Nothing in this Section impairs any right of an employee either at law or under an employment contract or collective agreement.

(3) In this Article, "employee" includes an independent contractor and "employer" includes the person who retains an employee who is an independent contractor.

2.22.5.7. Information and Records

(1) The *registered code agency* shall maintain records of all plans review and inspection activity, of all certificates and orders and of any other activities taken in carrying out functions under an appointment in accordance with the quality management plan described in Clause 2.19.3.2.(1)(d).

(2) Any information collected by a *registered code agency* in the course of the exercise of powers and the performance of duties under this Act may be used only for the purpose of performing functions under an appointment under Subsections 4.1 (2) and 4.2 (2) of the Act and may be disclosed only:

- (a) to a *principal authority* pursuant to an agreement under Subsection 4.1 (1) of the Act,
- (b) to a *principal authority* to aid the enforcement in any manner of the Act,
- (c) where required or permitted under this Act, this Code, other applicable legislation or an order of a court.

(3) A *registered code agency* shall ensure that any agreement under which the *registered code agency* engages a person to assist the *registered code agency* to perform functions under an appointment includes a provision that requires the person to comply with Sentences (1) and (2).

2.22.6. Termination of Appointment of a Registered Code Agency

2.22.6.1. Termination of an Appointment Made under Subsection 4.1 (2) of the Act

(1) A *principal authority* may, in accordance with the terms of an agreement under Subsection 4.1 (1) of the Act, terminate the appointment of a *registered code agency* before the appointment expires under Section 15.19 of the Act.

2.22.6.2. Termination of an Appointment made under Subsection 4.2 (2) of the Act

(1) An appointment under Subsection 4.2 (2) of the Act of a *registered code agency* may not be terminated before the appointment expires under Section 15.19 of the Act without the written consent of the *director*.

appointed under Subsection 4.2 (2) of the Act to complete the first *registered code agency's* functions without the written consent of the *director*.

(3) A person requesting a consent under Sentence (1) or (2) shall make the request in writing and shall provide the *director* with such information as the *director* may require.

(4) The *director* may impose conditions on a consent under Sentences (1) and (2).

2.22.7. Information to be Provided

2.22.7.1. Information to be Provided by a Principal Authority to the Director

(1) If a *principal authority* that has appointed a *registered code agency* terminates the appointment before the appointment expires under Section 15.19 of the Act, the *principal authority* shall, as soon as possible after the termination, give the *director* notice of the termination and such other information concerning the circumstances of the termination and as may be required by the *director*.

(2) If a *principal authority* has issued an order under Subsection 15.21 (1) of the Act, the *principal authority* shall as soon as possible after the order is issued give the *director* a copy of the order and such other information concerning the circumstances of the order and as may be required by the *director*.

2.22.7.2. Information to be Provided to the Director by a Person Who Appoints a Registered Code Agency under Subsection 4.2 (2) of the Act

(1) If it appears to a person who has appointed a *registered code agency* under Subsection 4.2 (2) of the Act that the *registered code agency* is no longer willing or able to carry out the functions for which the *registered code agency* was appointed, the person shall as soon as possible give notice of this situation to the *director*.

2.22.7.3. Information to be Provided to the Chief Building Official by a Person Who Appoints a Registered Code Agency under Subsection 4.2 (2) of the Act

(1) If it appears to a person who has appointed a *registered code agency* under Subsection 4.2 (2) of the Act that the *registered code agency* is no longer willing or able to carry out the functions for which the *registered code agency* was appointed, the person shall as soon as possible give notice of this situation to the *chief building official*.

2.22.7.4. Information to be Provided by a Registered Code Agency to the Director

(1) A *registered code agency* that becomes or expects to become unable to carry out the functions for which the *registered code agency* was appointed shall as soon as possible give notice to the *director* of this situation.

2.22.7.5. Information to be Provided by a Registered Code Agency to the Chief Building Official

(1) A *registered code agency* shall notify the *chief building official* if the *registered code agency* becomes or expects to become unable to carry out the functions for which the *registered code agency* was appointed.

(2) A *registered code agency* shall give copies of the following records to the *chief building official*:

- (a) all orders issued by the *registered code agency* under Subsections 12 (2), 13 (1) and 13 (6) of the Act,
- (b) all written records prepared by the *registered code agency* under Sentences 2.22.5.2.(3) and (4),
- (c) all *final certificates* that are issued by the *registered code agency*,
- (d) records described in Sentence 2.7.1.1.(2) relating to the use of an equivalent material, system or *building design* under Section 9 of the Act, and
- (e) any records of information, copies of documents or things, tests, samples or photographs produced, removed, required, taken or ordered to be taken under Subsection 18 (1) of the Act.

(3) The documents referred to in Sentence (2) shall be given to the *chief building official*:

- (a) within the time period specified in any agreement under Article 2.22.1.1. or appointment under Article 2.22.1.2 in respect of which the documents relate, whichever time period ends earlier,
- (b) within 15 days after the expiry or termination of the appointment of the *registered code agency* in respect of which the documents relate, if there is no time period specified in the agreement or appointment referred to in Clause (a) or if the *registered code agency* is appointed under Subsection 4.2 (2) of the Act, or
- (c) if the *chief building official* has given notice to the *registered code agency* that he or she requires the documents before the time set out in Clause (a) or (b), within 2 days after the request for documents.

(4) The requirements of Sentence (2) apply even if the *registered code agency* is no longer registered under Subsection 2.19.

(5) If a *registered code agency* in the course of carrying out functions under an appointment has reason to believe that a *building* described in Sentence (7) is unsafe within the meaning of Subsection 15.9 (2) or (3) of the Act, the *registered code agency* shall as soon as possible give notice to the *chief building official* of:

- (a) the location of the *building*, and
- (b) the reason why the *registered code agency* has reason to believe that the *building* is unsafe.

(6) A *registered code agency* that has given a notice to the *chief building official* under Sentence (5) shall give the *chief building official* such other information about the unsafe condition as the *chief building official* may require.

(7) Sentence (5) applies to:

- (a) a *building* in respect of which the *registered code agency* has been appointed to perform functions, and
- (b) a *building* that has been adversely affected by *construction* of a *building* referred to in Clause (a).

(8) For the purposes of Sentence (3), a time period referred to in Clause (3) (a), (b) or (c)

- (a) does not start until the day after the day on which the obligation to provide the documents arises, and
- (b) does not include Saturdays, holidays and all other days on which the offices of the *principal authority* are not open for the transaction of business with the public.

2.22.8. Referral of Stop Work Order

2.22.8.1. Referral

(1) A *registered code agency* shall refer a matter under Subsection 14 (5) of the Act to the *chief building official* by giving the *chief building official*, as soon as possible

(a) a report that contains the following information:

- (i) a copy of the order made under Section 12 or 13 of the Act that was not complied with and of the order under Subsection 14 (2) of the Act,
- (ii) the persons on whom the orders were served and the date and manner of service, and
- (iii) a statement that the orders have not been complied with, and

(b) such other information as the *chief building official* may require in respect of the matter that has been referred.

(2) The report under Clause (1)(a) shall be signed, in accordance with the quality management plan described in Clause 2.19.3.2.(1)(d), by the *registered code agency* or, if the *registered code agency* is a corporation or partnership, by a person described in Clause 2.19.3.2.(1)(a).

2.23. Fees

2.23.1. Fees

2.23.1.1. Annual Report

(1) The report referred to in Subsection 7 (4) of the Act shall contain the following information in respect of fees authorized under Clause 7 (1) (c) of the Act:

- (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report,
- (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the *principal authority* in the 12-month period referred to in Clause (1)(a),
- (c) a break-down of the costs described in Clause (1)(b) into at least the following categories:
 - (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
 - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
- (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).

(2) The *principal authority* shall give notice of the preparation of a report under Subsection 7 (4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.

2.23.1.2. Change of Fees

(1) Before passing a by-law, regulation or resolution under Clause 7 (1) (c) of the Act to introduce or change a fee imposed for applications for a permit or for the issuance of a permit, a *principal authority* shall

respect to the matter,

- (b) ensure that a minimum of 21 days notice of the public meeting is given in accordance with Clause (c), including giving 21 days notice to every person and organization that has, within five years before the day of the public meeting, requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice,
- (c) ensure that the notice under Clause (b),
 - (i) sets out the intention of the *principal authority* to pass the by-law, regulation or resolution under Section 7 of the Act and whether the by-law, regulation or resolution would impose any fee that was not in effect on the day the notice is given or would change any fee that was in force on the day the notice is given,
 - (ii) is sent by regular mail to the last address provided by the person or organization that requested the notice in accordance with Clause (b), and
 - (iii) sets out the information described in Clause (d) or states that the information will be made available at no cost to any member of the public upon request, and
- (d) make the following information available to the public:
 - (i) an estimate of the costs of administering and enforcing the Act by the *principal authority*,
 - (ii) the amount of the fee or of the change to the existing fee, and
 - (iii) the rationale for imposing or changing the fee.

Commencement

19. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) Subsections 1 (2) and 5 (1), sections 6 and 7, subsection 10 (1), section 15, subsection 16 (1) and section 17 come into force on the latest of,

- (a) September 1, 2003;
- (b) the day subsection 51 (11) of the *Building Code Statute Law Amendment Act, 2002* comes into force; and
- (c) the day this Regulation is filed.

(3) Subsections 1 (1), (3) and (4), sections 2, 3 and 4, subsection 5 (2), sections 8 and 9, subsection 10 (2), sections 11, 12, 13 and 14, subsection 16 (2) and section 18 come into force on the later of,

- (a) July 1, 2005; and
- (b) the day section 8 of the *Building Code Statute Law Amendment Act, 2002* comes into force.

32/03

ONTARIO REGULATION 306/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: July 24, 03
Filed: July 25, 2003

Amending O. Reg. 369/01

(Transfer of Administration for Housing Programs and Projects)

Note: Ontario Regulation 369/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Schedule 1 to Ontario Regulation 369/01 is amended by adding the following items:

1026.	6 (a)	6a Greenlaw Avenue, Toronto — Tahanan Non-Profit Homes Corporation	August 1, 2003
1027.	6 (a)	11 Winona Drive, Toronto — Hellenic Home for the Aged Inc.	August 1, 2003

1028.	7	25 Martha Eatonway, Toronto — Artisan Charitable Foundation	August 1, 2003
1029.	7	11 Winona Drive, Toronto — Hellenic Home for the Aged Inc.	August 1, 2003
1030.	7	15 Oxford Drive, Toronto — Stanchester Charitable Foundation	August 1, 2003

2. Schedule 7 to the Regulation is amended by adding the following item:

286.	6 (a)	89 Stonehurst Avenue, Ottawa — St. Vladimir's Russian Residence of Ottawa Inc.	August 1, 2003
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3. Schedule 9 to the Regulation is amended by adding the following item:

83.	5	66 Morrison St., 1281 Diane St., 570 and 604 Summerhill St., 118 Second Ave., 613 Camelot Dr., 735 St. Clair St., 113 and 121 Shelley Dr., 1307 Grenadier Dr., 794, 826 and 862 Cambrian Heights, 1322 Papineau St., 468 Montague St., 1273 Talon St., Sudbury — Native People of Sudbury Development Corporation	August 1, 2003
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4. Schedule 40 to the Regulation is amended by adding the following item:

153.	6 (a)	62 Hospital Drive, Moose Factory — Mocreebec Housing Association	August 1, 2003
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5. Schedule 42 to the Regulation is amended by adding the following item:

22.	7	299 and 309 Queensway Ave., Espanola — Native People of Sudbury Development Corporation	August 1, 2003
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6. Schedule 43 to the Regulation is amended by adding the following item:

64.	5	385 Lakeshore Drive, North Bay — Emmanuel Village Non-Profit Homes (North Bay) Corp.	August 1, 2003
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7. This Regulation comes into force on August 1, 2003.

RÈGLEMENT DE L'ONTARIO 306/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 24 juillet 2003
déposé le 25 juillet 2003

modifiant le Règl. de l'Ont. 369/01

(Transfert de l'administration de programmes de logement et d'ensembles domiciliaires)

Remarque : Le Règlement de l'Ontario 369/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. L'annexe 1 du Règlement de l'Ontario 369/01 est modifiée par adjonction des numéros suivants :

1026.	6 a)	6a Greenlaw Avenue, Toronto — Tahanan Non-Profit Homes Corporation	1 ^{er} août 2003
1027.	6 a)	11 Winona Drive, Toronto — Hellenic Home for the Aged Inc.	1 ^{er} août 2003
1028.	7	25 Martha Eatonway, Toronto — Artisan Charitable Foundation	1 ^{er} août 2003
1029.	7	11 Winona Drive, Toronto — Hellenic Home for the Aged Inc.	1 ^{er} août 2003
1030.	7	15 Oxford Drive, Toronto — Stanchester Charitable Foundation	1 ^{er} août 2003

2. L'annexe 7 du Règlement est modifiée par adjonction du numéro suivant :

286.	6 a)	89 Stonehurst Avenue, Ottawa — St. Vladimir's Russian Residence of Ottawa Inc.	1 ^{er} août 2003
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3. L'annexe 9 du Règlement est modifiée par adjonction du numéro suivant :

83.	5	66 Morrison St., 1281 Diane St., 570 and 604 Summerhill St., 118 Second Ave., 613 Camelot Dr., 735 St. Clair St., 113 and 121 Shelley Dr., 1307 Grenadier Dr., 794, 826 et 862 Cambrian Heights, 1322 Papineau St., 468 Motague St., 1273 Talon St., Sudbury — Native People of Sudbury Development Corporation	1 ^{er} août 2003
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153.	6 a)	62 Hospital Drive, Moose Factory — Mocreebec Housing Association	1 ^{er} août 2003
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5. L'annexe 42 du Règlement est modifiée par adjonction du numéro suivant :

22.	7	299 et 309 Queensway Ave., Espanola — Native People of Sudbury Development Corporation	1 ^{er} août 2003
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6. L'annexe 43 du Règlement est modifiée par adjonction du numéro suivant :

64.	5	385 Lakeshore Drive, North Bay — Emmanuel Village Non-Profit Homes (North Bay) Corp.	1 ^{er} août 2003
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7. Le présent règlement entre en vigueur le 1^{er} août 2003.

32/03

ONTARIO REGULATION 307/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: July 11, 2003

Filed: July 25, 2003

Amending O. Reg. 339/01

(Housing Projects Subject to Part VI of the Act)

Note: Ontario Regulation 339/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Table 1 of Ontario Regulation 339/01 is amended by adding the following opposite "District of Cochrane Social Services Administration Board" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
District of Cochrane Social Services Administration Board	62 Hospital Drive, Moose Factory, Ont. — Mocreebec Housing Association	August 1, 2003

(2) Table 1 of the Regulation is amended by adding the following opposite "City of Ottawa" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
City of Ottawa	89 Stonehurst Avenue, Ottawa — St. Vladimir's Russian Residence of Ottawa Inc.	August 1, 2003

(3) Table 1 of the Regulation is amended by adding the following opposite "City of Toronto" under the column heading "Service Manager":

Service Manager	Housing Project	Commencement Date
City of Toronto	6a Greenlaw Avenue, Toronto — Tahanan Non-Profit Homes Corporation	August 1, 2003
	11 Winona Drive, Toronto, Ontario — Hellenic Home for the Aged Inc.	August 1, 2003

2. This Regulation comes into force on August 1, 2003.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on July 11, 2003.

RÈGLEMENT DE L'ONTARIO 307/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 11 juillet 2003
déposé le 25 juillet 2003

modifiant le Règl. de l'Ont. 339/01
(Ensembles domiciliaires visés par la partie VI de la Loi)

Remarque : Le Règlement de l'Ontario 339/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. (1) Le tableau 1 du Règlement de l'Ontario 339/01 est modifié par adjonction de ce qui suit en regard de «Conseil d'administration des services sociaux du district de Cochrane» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
Conseil d'administration des services sociaux du district de Cochrane	62 Hospital Drive, Moose Factory, Ont. — Mocreebec Housing Association	1 ^{er} août 2003

(2) Le tableau 1 du Règlement est modifié par adjonction de ce qui suit en regard de «Ville d'Ottawa» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
Ville d'Ottawa	89 Stonehurst Avenue, Ottawa — St. Vladimir's Russian Residence of Ottawa Inc.	1 ^{er} août 2003

(3) Le tableau 1 du Règlement est modifié par adjonction de ce qui suit en regard de «Cité de Toronto» à la colonne intitulée «Gestionnaire de services» :

Gestionnaire de services	Ensemble domiciliaire	Date d'effet
Cité de Toronto	6a Greenlaw Avenue, Toronto — Tahanan Non-Profit Homes Corporation	1 ^{er} août 2003
	11 Winona Drive, Toronto, Ontario — Hellenic Home for the Aged Inc.	1 ^{er} août 2003

2. Le présent règlement entre en vigueur le 1^{er} août 2003.

DAVID STUART YOUNG
Ministre des Affaires municipales et du Logement

Fait le 11 juillet 2003.

made under the
SOCIAL HOUSING REFORM ACT, 2000

Made: July 24, 2003
 Filed: July 25, 2003

Amending O. Reg. 368/01
 (General)

Note: Ontario Regulation 368/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Items 1, 3, 4, 6, 7, 8, 9, 11, 12, 21, 23, 24, 25, 26, 30, 32, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46 and 47 of Table 7 of Ontario Regulation 368/01 are revoked and the following substituted:

1.	City of Toronto	71,850	31,062	1,441
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3.	Norfolk County	656	385	20
4.	Regional Municipality of Halton	2,953	1,638	205

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6.	Regional Municipality of Niagara	5,235	2,904	222
7.	City of Ottawa	16,395	9,535	587
8.	Regional Municipality of Peel	8,261	3,449	401
9.	City of Greater Sudbury	3,603	2,151	155

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11.	Regional Municipality of York	3,977	1,754	326
12.	District Municipality of Muskoka	476	270	21

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21.	County of Hastings	1,980	1,197	55
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23.	County of Lambton	1,075	683	66
24.	County of Lanark	771	376	31
25.	United Counties of Leeds and Grenville	955	629	17
26.	County of Lennox and Addington	497	348	12

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30.	City of Stratford	993	648	40
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32.	United Counties of Prescott and Russell	682	390	44
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34.	County of Simcoe	2,763	1,429	109
35.	City of Cornwall	1,843	1,172	136
36.	City of Kawartha Lakes	871	522	32
37.	County of Wellington	2,342	1,320	149

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39.	District of Sault Ste. Marie Social Services Administration Board	1,869	1,102	71
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40.	District of Cochrane Social Services Administration Board	1,959	1,264	92
41.	Kenora District Services Board	867	562	56
42.	Manitoulin-Sudbury District Social Services Administration Board	323	186	14
43.	District of Nipissing Social Services Administration Board	1,522	807	56
44.	District of Parry Sound Social Services Administration Board	278	129	5

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46.	District of Thunder Bay Social Services Administration Board	3,564	1,987	283
47.	District of Timiskaming Social Services Administration Board	589	241	11

2. This Regulation comes into force on August 1, 2003.

RÈGLEMENT DE L'ONTARIO 308/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 24 juillet 2003
déposé le 25 juillet 2003

modifiant le Règl. de l'Ont. 368/01
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 368/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. Les numéros 1, 3, 4, 6, 7, 8, 9, 11, 12, 21, 23, 24, 25, 26, 30, 32, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46 et 47 du tableau 7 du Règlement de l'Ontario 368/01 sont abrogés et remplacés par ce qui suit :

1.	Cité de Toronto	71 850	31 062	1 441
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3.	Comté de Norfolk	656	385	20
4.	Municipalité régionale de Halton	2 953	1 638	205

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6.	Municipalité régionale de Niagara	5 235	2 904	222
7.	Ville d'Ottawa	16 395	9 535	587
8.	Municipalité régionale de Peel	8 261	3 449	401
9.	Ville du Grand Sudbury	3 603	2 151	155

.

11.	Municipalité régionale de York	3 977	1 754	326
12.	Municipalité de district de Muskoka	476	270	21

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21.	Comté de Hastings	1 980	1 197	55
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23.	Comté de Lambton	1 075	683	66
24.	Comté de Lanark	771	376	31
25.	Comtés unis de Leeds et Grenville	955	629	17
26.	Comté de Lennox and Addington	497	348	12

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30.	Cité de Stratford	993	648	40
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32.	Comtés unis de Prescott et Russell	682	390	44
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34.	Comté de Simcoe	2 763	1 429	109
35.	Cité de Cornwall	1 843	1 172	136
36.	Cité de Kawartha Lakes	871	522	32
37.	Comté de Wellington	2 342	1 320	149

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39.	Conseil d'administration des services sociaux du district de Sault Ste. Marie	1 869	1 102	71
40.	Conseil d'administration des services sociaux du district de Cochrane	1 959	1 264	92
41.	Conseil des services du district de Kenora	867	562	56
42.	Conseil d'administration des services sociaux du district de Manitoulin-Sudbury	323	186	14
43.	Conseil d'administration des services sociaux du district de Nipissing	1 522	807	56
44.	Conseil d'administration des services sociaux du district de Parry Sound	278	129	5

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46.	Conseil d'administration des services sociaux du district de Thunder Bay	3 564	1 987	283
47.	Conseil d'administration des services sociaux du district de Timiskaming	589	241	11

2. Le présent règlement entre en vigueur le 1^{er} août 2003.

32/03

ONTARIO REGULATION 309/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: July 11, 2003

Filed: July 25, 2003

Amending O. Reg. 456/01

(Supportive Housing Providers — Section 64 of the Act)

Note: Ontario Regulation 456/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) The Table to Ontario Regulation 456/01 is amended by adding the following item opposite “City of Ottawa” in Column 1:

Column 1	Column 2	Column 3
City of Ottawa	41. St. Vladimir's Russian Residence of Ottawa Inc.	August 1, 2003

(2) The Table to the Regulation is amended by adding the following items opposite “City of Toronto” in Column 1:

Column 1	Column 2	Column 3
City of Toronto	104. Tahanan Non-Profit Homes Corporation	August 1, 2003
	105. Hellenic Home for the Aged Inc.	August 1, 2003

(3) The Table to the Regulation is amended by striking out the following row opposite “Regional Municipality of Waterloo” in Column 1:

Column 1	Column 2	Column 3
Regional Municipality of Waterloo	25. Slavonia-Croatian Non-Profit Homes Inc.	October 1, 2001

2. This Regulation comes into force on August 1, 2003.

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Dated on July 11, 2003.

RÈGLEMENT DE L'ONTARIO 309/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 11 juillet 2003
déposé le 25 juillet 2003

modifiant le Règl. de l'Ont. 456/01

(Fournisseurs de logements avec services de soutien — article 64 de la Loi)

Remarque : Le Règlement de l'Ontario 456/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. (1) Le tableau du Règlement de l'Ontario 456/01 est modifié par adjonction du numéro suivant en regard de «Ville d'Ottawa» à la colonne 1 :

Colonne 1	Colonne 2	Colonne 3
Ville d'Ottawa	41. St. Vladimir's Russian Residence of Ottawa Inc.	1 ^{er} août 2003

(2) Le tableau du Règlement est modifié par adjonction des numéros suivants en regard de «Cité de Toronto» à la colonne 1 :

Colonne 1	Colonne 2	Colonne 3
Cité de Toronto	104. Tahanan Non-Profit Homes Corporation	1 ^{er} août 2003
	105. Hellenic Home for the Aged Inc.	1 ^{er} août 2003

(3) Le tableau du Règlement est modifié par suppression de la rangée suivante en regard de «Municipalité régionale de Waterloo» à la colonne 1 :

Colonne 1	Colonne 2	Colonne 3
Municipalité régionale de Waterloo	25. Slavonia-Croatian Non-Profit Homes Inc.	1 ^{er} octobre 2001

2. Le présent règlement entre en vigueur le 1^{er} août 2003.

DAVID STUART YOUNG
Ministre des Affaires municipales et du Logement

Fait le 11 juillet 2003.

32/03

made under the

SOCIAL HOUSING REFORM ACT, 2000

Made: July 24, 2003

Filed: July 25, 2003

Amending O. Reg. 298/01

(Rent-Geared-to-Income Assistance and Special Needs Housing)

Note: Ontario Regulation 298/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Table 2 of Ontario Regulation 298/01 is amended by striking out the following in Column 2 opposite "Regional Municipality of Waterloo" in Column 1:

Regional Municipality of Waterloo	26.	Slavonia-Croatian Non-Profit Homes Inc.
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(2) Table 2 of the Regulation is amended by adding the following in Column 2 opposite "City of Ottawa" in Column 1:

City of Ottawa	41.	St. Vladimir's Russian Residence of Ottawa Inc.
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(3) Table 2 of the Regulation is amended by adding the following in Column 2 opposite "City of Toronto" in Column 1:

City of Toronto	104.	Tahanan Non-Profit Homes Corporation
	105.	Hellenic Home for the Aged Inc.

(4) The French version of Table 2 of the Regulation is amended by striking out "Ville de Toronto" in Column 1 and substituting "Cité de Toronto".

2. This Regulation comes into force on August 1, 2003.

RÈGLEMENT DE L'ONTARIO 310/03

pris en application de la

LOI DE 2000 SUR LA RÉFORME DU LOGEMENT SOCIAL

pris le 24 juillet 2003
déposé le 25 juillet 2003

modifiant le Règl. de l'Ont. 298/01

(Aide sous forme de loyer indexé sur le revenu et logement adapté)

Remarque : Le Règlement de l'Ontario 298/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. (1) Le tableau 2 du Règlement de l'Ontario 298/01 est modifié par suppression de ce qui suit à la colonne 2, en regard de «Municipalité régionale de Waterloo» à la colonne 1 :

Municipalité régionale de Waterloo	26.	Slavonia-Croatian Non-Profit Homes Inc.
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(2) Le tableau 2 du Règlement est modifié par adjonction de ce qui suit à la colonne 2, en regard de «Ville d'Ottawa» à la colonne 1 :

Ville d'Ottawa	41.	St. Vladimir's Russian Residence of Ottawa Inc.
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(3) Le tableau 2 du Règlement est modifié par adjonction de ce qui suit à la colonne 2, en regard de «Ville de Toronto» à la colonne 1 :

Ville de Toronto	104. Tahanan Non-Profit Homes Corporation 105. Hellenic Home for the Aged Inc.
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(4) La version française du tableau 2 du Règlement est modifiée par substitution de «Cité de Toronto» à «Ville de Toronto» à la colonne 1.

2. Le présent règlement entre en vigueur le 1^{er} août 2003.

32/03

ONTARIO REGULATION 311/03

made under the

ONTARIO PLANNING AND DEVELOPMENT ACT, 1994

Made: July 25, 2003

Filed: July 25, 2003

Amending O. Reg. 482/73

[County of Halton, (now the Regional Municipality of Halton), City of Burlington]

Note: Ontario Regulation 482/73 has previously been amended. Those amendments are listed in the Table of Regulations in the Statutes of Ontario, 1991 and in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subparagraph 1 iv of subsection 2 (2) of Ontario Regulation 482/73 is amended by adding the following subparagraph:

- L. That parcel of land in the City of Burlington (formerly in the Township of East Flamborough) in The Regional Municipality of Halton, being Part of Park Lot 19, Registered Plan No. 337, further described as property identifier number 07191-0054, registered in the Registry Office for the Registry Division of Halton (No. 20).

Made by:

J. ROWAT
Director (Acting)
Municipal Services Office - Central Ontario
Ministry of Municipal Affairs and Housing

Date made: July 25, 2003.

32/03

CORRECTION

Ontario Regulation 27/03 under the *Retail Sales Tax Act* published in the February 22, 2003 issue of *The Ontario Gazette*.

The filed date should have read February 5, 2003.

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—08—16

ONTARIO REGULATION 312/03

made under the

INSURANCE ACT

Made: July 24, 2003

Filed: July 28, 2003

Amending O. Reg. 461/96

(Court Proceedings for Automobile Accidents that Occur on or after November 1, 1996)

Note: Ontario Regulation 461/96 has not previously been amended.

1. Ontario Regulation 461/96 is amended by adding the following sections:

DEDUCTIBLE AMOUNTS

5.1 (1) The amount of \$30,000 is prescribed for the purpose of sub-subparagraph 3 i B of subsection 267.5 (7) of the Act in respect of incidents that occur on or after October 1, 2003.

(2) The amount of \$15,000 is prescribed for the purpose of sub-subparagraph 3 ii B of subsection 267.5 (7) of the Act in respect of incidents that occur on or after October 1, 2003.

AMOUNTS DEEMED TO BE IN RESPECT OF INCOME LOSS OR LOSS OF EARNINGS

5.2 For the purposes of paragraph 2 of subsection 267.8 (1), paragraph 2 of subsection 267.8 (9) and subclause 267.8 (12) (a) (ii) of the Act, payments in respect of an incident for income loss or loss of earning capacity under an income continuation benefit plan shall be deemed to include the following payments if the incident occurs on or after October 1, 2003:

1. Payments of disability pension benefits under the *Canada Pension Plan*.
2. Periodic payments of insurance, if the insurance is offered by the insurer,
 - i. only to persons who are employed at the time the contract of insurance is entered into, and
 - ii. only on the basis that the maximum benefit payable is limited to an amount calculated by reference to the insured person's income from employment.

2. This Regulation comes into force on the later of October 1, 2003 and the day it is filed.

33/03

ONTARIO REGULATION 313/03

made under the

INSURANCE ACT

Made: July 24, 2003

Filed: July 28, 2003

Amending O. Reg. 403/96

(Statutory Accident Benefits Schedule — Accidents on or after November 1, 1996)

Note: Ontario Regulation 403/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Subsection 53 (1) of Ontario Regulation 403/96, as remade by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:

(1) A designated assessment shall be conducted by a designated assessment centre selected in accordance with this section.

(1.1) A designated assessment must be conducted by a designated assessment centre that,

(a) is authorized to assess impairments of the type sustained by the insured person; and

(b) is authorized to conduct the type of designated assessment that is required.

(1.2) A designated assessment must be conducted by a designated assessment centre that is located within,

(a) 30 kilometres of the insured person's residence, if,

(i) the insured person's residence is located in the City of Toronto or the regional municipality of Durham, Halton, Peel or York, and

(ii) a designated assessment centre that complies with subsection (1.1) is located within 30 kilometres of the insured person's residence; or

(b) 50 kilometres of the insured person's residence, if,

(i) the insured person's residence is not located in the City of Toronto or the regional municipality of Durham, Halton, Peel or York, and

(ii) a designated assessment centre that complies with subsection (1.1) is located within 50 kilometres of the insured person's residence.

(1.3) Subject to subsections (1.1) and (1.2), the insurer and the insured person may jointly select the designated assessment centre if the selection is made not later than the second business day after the insurer or the insured person, as the case may be, receives notice from the other that a designated assessment is required under this Regulation.

(1.4) If the insurer and the insured person do not jointly select the designated assessment centre in accordance with subsection (1.3), the Superintendent shall, subject to subsections (1.1) and (1.2), select the designated assessment centre.

(2) Subsection 53 (2) of the Regulation, as remade by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:

(2) If the designated assessment centre is selected by the Superintendent, the designated assessment centre shall, before conducting the designated assessment, give the insurer and the insured person notice disclosing any conflict of interest that the centre has relating to the designated assessment.

(3) Clause 53 (4) (b) of the Regulation, as made by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:

(b) if the insurer and the insured person do not agree, the designated assessment shall be conducted, subject to subsections (1.1), (1.2) and (2), by another designated assessment centre selected by the Superintendent.

(4) Subsections 53 (6), (7) and (8) of the Regulation, as remade by section 26 of Ontario Regulation 281/03, are revoked.

(5) Subsection 53 (10) of the Regulation, as remade by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:

(10) If a designated assessment centre is unable to begin a designated assessment within 14 days after receiving the request for the assessment, the insured person or the insurer may require that, subject to subsections (1.1), (1.2) and (2), the designated assessment be conducted by another designated assessment centre selected by the Superintendent.

2. This Regulation comes into force on the later of October 1, 2003 and the day it is filed.

RÈGLEMENT DE L'ONTARIO 313/03

pris en application de la

LOI SUR LES ASSURANCES

pris le 24 juillet 2003
déposé le 28 juillet 2003

modifiant le Règl. de l'Ont. 403/96

(Annexe sur les indemnités d'accidents légaux — Accidents survenus le 1^{er} novembre 1996 ou après ce jour)

Remarque : Le Règlement de l'Ontario 403/96 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. (1) Le paragraphe 53 (1) du Règlement de l'Ontario 403/96, tel qu'il est pris de nouveau par l'article 26 du Règlement de l'Ontario 281/03, est abrogé et remplacé par ce qui suit :

(1) Une évaluation désignée doit être faite par le centre d'évaluation désigné choisi conformément au présent article.

(1.1) Une évaluation désignée doit être faite par le centre d'évaluation désigné qui :

- a) d'une part, est autorisé à évaluer les déficiences du type dont souffre la personne assurée;
- b) d'autre part, est autorisé à procéder au type d'évaluation désignée qui est exigé.

(1.2) Une évaluation désignée doit être faite par le centre d'évaluation désigné qui est situé :

- a) soit dans un rayon de 30 kilomètres de la résidence de la personne assurée si les conditions suivantes sont réunies :

- (i) cette résidence est située dans la cité de Toronto ou dans la municipalité régionale de Durham, de Halton, de Peel ou de York,
- (ii) un centre d'évaluation désigné conforme au paragraphe (1.1) est situé dans un rayon de 30 kilomètres de cette résidence;

- b) soit dans un rayon de 50 kilomètres de la résidence de la personne assurée si les conditions suivantes sont réunies :

- (i) cette résidence n'est pas située dans la cité de Toronto ni dans la municipalité régionale de Durham, de Halton, de Peel ou de York,
- (ii) un centre d'évaluation désigné conforme au paragraphe (1.1) est situé dans un rayon de 50 kilomètres de cette résidence.

(1.3) Sous réserve des paragraphes (1.1) et (1.2), l'assureur et la personne assurée peuvent choisir conjointement le centre d'évaluation désigné s'ils font leur choix au plus tard deux jours ouvrables après que l'un d'eux reçoit de l'autre un avis l'informant qu'une évaluation désignée est exigée en vertu du présent règlement.

(1.4) Si l'assureur et la personne assurée ne choisissent pas conjointement le centre d'évaluation désigné conformément au paragraphe (1.3), le surintendant le fait, sous réserve des paragraphes (1.1) et (1.2).

(2) Le paragraphe 53 (2) du Règlement, tel qu'il est pris de nouveau par l'article 26 du Règlement de l'Ontario 281/03, est abrogé et remplacé par ce qui suit :

(2) Avant de procéder à l'évaluation désignée, le centre d'évaluation désigné que choisit le surintendant donne à l'assureur et à la personne assurée un avis divulguant toute situation de conflit d'intérêts dans laquelle le place l'évaluation.

(3) L'alinéa 53 (4) b) du Règlement, tel qu'il est pris par l'article 26 du Règlement de l'Ontario 281/03, est abrogé et remplacé par ce qui suit :

- b) si l'assureur et la personne assurée ne s'entendent pas, l'évaluation désignée doit être faite, sous réserve des paragraphes (1.1), (1.2) et (2), par un autre centre d'évaluation désigné que choisit le surintendant.

(4) Les paragraphes 53 (6), (7) et (8) du Règlement, tels qu'ils sont pris de nouveau par l'article 26 du Règlement de l'Ontario 281/03, sont abrogés.

(5) Le paragraphe 53 (10) du Règlement, tel qu'il est pris de nouveau par l'article 26 du Règlement de l'Ontario 281/03, est abrogé et remplacé par ce qui suit :

(10) Si le centre d'évaluation désigné ne peut commencer l'évaluation désignée dans les 14 jours de la réception de la demande d'évaluation, la personne assurée ou l'assureur peut exiger que, sous réserve des paragraphes (1.1), (1.2) et (2), cette évaluation soit faite par un autre centre d'évaluation désigné que choisit le surintendant.

(10.1) Le surintendant peut, avec le consentement du ministre, déléguer par écrit à quiconque le pouvoir de choisir des centres d'évaluation désignés que lui attribue le présent article.

2. Le présent règlement entre en vigueur le dernier en date du 1^{er} octobre 2003 et du jour de son dépôt.

33/03

ONTARIO REGULATION 314/03

made under the

MENTAL HOSPITALS ACT

Made: July 24, 2003

Filed: July 28, 2003

Amending Reg. 744 of R.R.O. 1990
(General)

Note: Regulation 744 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 24 of Regulation 744 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

24. (1) A certificate of the Minister under section 12 of the Act shall be in a form approved by the Minister.

(2) A revocation of a certificate of the Minister under section 12 of the Act shall be in a form approved by the Minister.

2. Forms 1 and 2 of the Regulation are revoked.

33/03

ONTARIO REGULATION 315/03

made under the

COMMUNITY PSYCHIATRIC HOSPITALS ACT

Made: July 24, 2003

Filed: July 28, 2003

Amending Reg. 92 of R.R.O. 1990
(Grants)

Note: Regulation 92 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsections 7 (2), (3) and (4) of Regulation 92 of the Revised Regulations of Ontario, 1990 are revoked.

2. Forms 1, 2 and 3 of the Regulation are revoked.

33/03

made under the
HIGHWAY TRAFFIC ACT

Made: July 24, 2003
Filed: July 28, 2003

OPERATION OF OFF-ROAD VEHICLES ON HIGHWAYS

**PART I
DEFINITIONS**

Definitions

1. In this Regulation,

“all-terrain vehicle” means an off-road vehicle that,

- (a) has four wheels, the tires of all of which are in contact with the ground,
- (b) has steering handlebars,
- (c) has a seat that is designed to be straddled by the driver, and
- (d) is designed to carry a driver only and no passengers;

“off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*.

**PART II
OPERATION ON CLASSES OF HIGHWAYS**

Operation on highways generally prohibited

2. An off-road vehicle shall not be driven on any highway except,
- (a) as specified in this Part;
 - (b) as permitted by Part IV; or
 - (c) as permitted by clause 2 (2) (a) of the *Off-Road Vehicles Act*.

Prohibited highways

3. Except as permitted by section 28, no off-road vehicle shall be driven on a highway listed in Schedule A.

Permitted highways for ATVs

4. (1) Subject to subsection (2), no off-road vehicle shall be driven on a highway listed in Schedule B.
- (2) All-terrain vehicles may be driven on a highway listed in Schedule B only if, in addition to meeting the requirements of Part III, there is only one driver and no passenger on the all-terrain vehicle at the time.

Highways in parks

5. An off-road vehicle may be driven on a highway that is within a provincial park or public park if the road authority or governing body of the park permits the operation of off-road vehicles in the park.

**PART III
REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS**

Conditions for off-road vehicles to be operated on highways

6. An off-road vehicle shall not be operated on a highway unless it meets the requirements of sections 7 to 15 and it is operated in accordance with sections 16 to 24.

EQUIPMENT REQUIREMENTS

Weight and dimensions

7. (1) The off-road vehicle must weigh 450 kilograms or less.
- (2) The off-road vehicle must have an overall width not greater than 1.35 metres, excluding mirrors.

Tires

8. All the tires on the off-road vehicle must be low pressure bearing tires.

Motor vehicle safety standards

9. The off-road vehicle must meet the motor vehicle safety standards prescribed for restricted-use motorcycles in the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada) applicable when the vehicle was manufactured.

Equipment configuration and performance requirements

10. (1) If the off-road vehicle was manufactured after May 31, 1991 and before January 1, 2002, it must meet the equipment configuration and performance requirements set out in the American National Standards Institute/Specialty Vehicle Institute of America publication entitled *Four Wheel All-Terrain Vehicles ANSI/SVIA-1-1990* or *Four Wheel All-Terrain Vehicles — Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001*.

(2) If the off-road vehicle was manufactured after December 31, 2001, it must meet the equipment configuration and performance requirements set out in the American National Standards Institute/Specialty Vehicle Institute of America publication entitled *Four Wheel All-Terrain Vehicles — Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001*.

Equipment must be operating properly

11. A component, equipment or other feature of the off-road vehicle that was part of the vehicle when manufactured and that is required by section 9 or 10 must operate properly and must not be missing, rendered partly or wholly inoperable or modified so as to reduce its effectiveness.

Braking system

12. The off-road vehicle must be equipped with a service brake, parking brake and parking mechanism that comply with section 4 of the American National Standards Institute/Specialty Vehicle Institute of America publication entitled *Four Wheel All-Terrain Vehicles — Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001*.

Lamps

13. (1) Despite subsection 62 (1) of the Act, the off-road vehicle must be equipped with one or two lamps that emit a white light on the front of the vehicle and one or two lamps that emit a red light at the rear of the vehicle.

(2) The lamps required by subsection (1) must be lit at all times the off-road vehicle is operated on the highway.

(3) The subsections of section 62 of the Act that refer to lamps required under subsections (1), (2) or (3) of that section shall be read as if referring to the lamps required under subsection (1) of this section.

(4) The lamps required on the front of an off-road vehicle by subsection (1) must be aimed such that the high intensity portion of the beam is directed below the horizontal line through the centre of the lamp from which it comes, at a distance of 7.6 metres ahead of the lamp, when the vehicle is not loaded.

(5) If the off-road vehicle was manufactured after January 1, 1998, it must be equipped with a stop lamp or lamps on the rear of the vehicle that emit a red light when any brake is applied.

(6) A stop lamp required under subsection (5) may be incorporated with a rear lamp or may be a separate lamp.

(7) The off-road vehicle must be equipped with,

- (a) one yellow reflex reflector on each side at the front;
- (b) one red reflex reflector on each side at the rear; and
- (c) one or two red reflex reflectors on the rear.

(8) The reflex reflectors required by subsection (7) must comply with the requirements of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada) applicable when the vehicle was manufactured.

Windshield

14. The off-road vehicle need not be equipped with a windshield, but if it is, the windshield must satisfy the requirements prescribed for a motorcycle windshield under subsection 1 (10) of Schedule 6 to Regulation 611 of the Revised Regulations of Ontario, 1990.

No obstruction of view

15. (1) There must not be any object or non-transparent material placed on or attached to the off-road vehicle that obstructs the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle.

(2) If the off-road vehicle is towing a trailer, the trailer or load must not obstruct the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle.

16. (1) The off-road vehicle shall be operated under the authority of a permit issued under section 5 of the *Off-Road Vehicles Act* and a number plate showing the number of the permit shall be displayed on the vehicle as required under that Act.

(2) Subsection (1) does not apply to an off-road vehicle operated under the authority of a permit issued under section 7 of the *Highway Traffic Act*, as provided by section 7 of the *Off-Road Vehicles Act*.

Insurance

17. The off-road vehicle shall be insured in accordance with section 2 of the *Compulsory Automobile Insurance Act* and section 15 of the *Off-Road Vehicles Act*.

Driver's licence

18. The driver of the off-road vehicle shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence issued under the Act unless he or she is exempt, under section 34 of the Act, from the application of section 32 of the Act.

Helmet

19. The driver of the off-road vehicle shall wear a helmet that complies with section 19 of the *Off-Road Vehicles Act*.

Application of Highway Traffic Act

20. (1) Except as otherwise provided in this Regulation, the provisions of the Act and its regulations applicable to motor vehicles apply with necessary modifications to the operation of an off-road vehicle on a highway.

(2) Subsection 62 (19), sections 64 and 66 and subsection 76 (1) of the Act do not apply to the operation of an off-road vehicle on a highway.

Application of Off-Road Vehicles Act

21. The *Off-Road Vehicles Act* and the regulations made under that Act that apply to the operation of off-road vehicles off the highway apply with necessary modifications to the operation of an off-road vehicle on a highway.

Maximum speed

22. (1) The off-road vehicle shall not be driven at a rate of speed greater than,

- (a) 20 kilometres per hour, if the speed limit established under the Act for that part of the highway is not greater than 50 kilometres per hour; or
- (b) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour.

Environmental protection

23. (1) The off-road vehicle shall not be operated in such a manner as to,

- (a) discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that may have an adverse effect on the environment or impair the quality of any waters; or
- (b) contravene any conditions, restrictions and prohibitions imposed by any legislation and related regulations enacted to protect the environment.

(2) The off-road vehicle shall not be operated in such a manner that it causes or is likely to cause,

- (a) a risk to the safety of any person;
- (b) harm or material discomfort to any person from dust, emissions or noise;
- (c) harm, injury or damage, either directly or indirectly, to any property, flora or fauna; or
- (d) alteration, disruption or destruction to the natural environment, including erosion damage or degradation of the right of way.

(3) The off-road vehicle shall not be driven in or through a river, stream or other watercourse on a highway if doing so would or would be likely to alter, disrupt or destroy any fish habitat.

Rules of the road

24. (1) The off-road vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway.

(2) Despite subsection (1), the off-road vehicle may be driven on the roadway in the same direction as the traffic using the same side of the highway if,

- (a) there is no shoulder; or
- (b) the shoulder of the highway is obstructed and cannot be used by the off-road vehicle.
- (3) Despite subsection (1), the off-road vehicle shall not be driven on the shoulder but shall be driven on the roadway in the same direction as the traffic using the same side of the highway if it is being driven across a level railway crossing.
- (4) When driven on the shoulder of the highway, the off-road vehicle shall be driven as close to and parallel with the right edge of the shoulder as can be done practicably and safely.
- (5) When driven on the roadway pursuant to subsection (2), the off-road vehicle shall be driven as close to and parallel with the right edge of the roadway as can be done practicably and safely.
- (6) When entering the shoulder or the roadway, the off-road vehicle shall yield the right of way to vehicles already using the shoulder or the roadway, as the case may be, and shall enter the shoulder or roadway only when it is safe to do so.
- (7) The off-road vehicle shall not be driven in the median strip of the highway.
- (8) The off-road vehicle shall not be driven on any part of the highway that is designated as a construction zone under subsection 128 (8) of the Act or on any other part of the highway where construction work or highway maintenance is being carried out, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle.
- (9) If part or all of the highway is closed under subsection 134 (2) of the Act, the off-road vehicle shall not be driven on any adjacent part of the highway that may be open, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle.
- (10) The off-road vehicle shall not overtake and pass any moving motor vehicle or motorized snow vehicle at any time when both the off-road vehicle and the other vehicle are travelling on the same shoulder or roadway of the highway.
- (11) Despite subsection (10), an off-road vehicle may overtake and pass another off-road vehicle when both are travelling on the shoulder if the movement can be made in safety while remaining on the shoulder and to the left of the off-road vehicle being overtaken and passed.
- (12) Despite clause 142 (4) (b) of the Act, a person driving an off-road vehicle on the highway may indicate the intention to turn right by extending the right hand and arm horizontally beyond the right side of the vehicle.
- (13) Before commencing a left turn in the manner required by subsection 141 (5), (6) or (7) of the Act, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move away from the shoulder or from the right edge of the roadway, as the case may be, and be positioned on the roadway in the position from which the left turn is to be made.
- (14) Upon completing a left turn, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move back to the right edge of the roadway or shoulder, as the case may be.

PART IV EXEMPTIONS

Definitions

25. In this Part,

“emergency” means a situation that constitutes a danger to life or property;

“employee” means,

- (a) a person employed in the service of the Crown or any agency of the Crown,
- (b) a police officer, conservation officer or other person appointed for the preservation and maintenance of the public peace or any officer appointed for enforcing or carrying out the provisions of this Act or the *Off-Road Vehicles Act*,
- (c) a firefighter as defined in the *Fire Protection and Prevention Act, 1997*,
- (d) an employee of an ambulance service as defined in the *Ambulance Act*,
- (e) an employee of a municipality or of a local board as defined in the *Municipal Affairs Act*,
- (f) an employee of a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, or
- (g) an employee or agent of the operator of a water, gas, electric heat, light or power works, telegraph and telephone lines, a railway, a street railway, works for the transmission of gas, oil, water or electrical power or energy or any similar works supplying the general public with necessities or conveniences.

Section 4 does not apply to a person who drives an off-road vehicle directly across a highway pursuant to clause 2 (2) (a) of the *Off-Road Vehicles Act*.

Farmers and trappers

27. (1) Sections 8, 9, 10 and 18 do not apply to the operation of an off-road vehicle as described in clause 2 (2) (b) of the *Off-Road Vehicles Act* if,

- (a) the driver of the vehicle holds a driver's licence; and
- (b) the number of passengers on the off-road vehicle does not exceed the number of places on the vehicle intended for passengers.

(2) Despite section 4, an off-road vehicle may be operated as described in clause 2 (2) (b) of the *Off-Road Vehicles Act* on any highway other than a highway listed in Schedule A if the conditions described in clauses (1) (a) and (b) are met.

Public work functions

28. (1) An employee who is acting in the course of his or her employment or in response to an emergency may operate an off-road vehicle on a highway, including a highway listed in Schedule A or B, in accordance with this Regulation despite any provision that would provide otherwise in Parts II, IV and VI of the Act.

(2) Sections 8, 9, 10 and 18 do not apply to the operation of an off-road vehicle on a highway by an employee who is driving the off-road vehicle in the course of his or her employment or in response to an emergency if,

- (a) the employee holds a driver's licence; and
- (b) the number of passengers on the off-road vehicle does not exceed the number of places on the vehicle intended for passengers.

(3) Section 4 does not apply to the operation of an off-road vehicle permitted under subsection (1).

(4) Despite section 24, an employee who is permitted under subsections (1) and (2) to operate an off-road vehicle on a highway listed in Schedule A may only drive the off-road vehicle on a part of the highway that is not the roadway or the shoulder.

Far northern Ontario and unorganized territory

29. (1) A person may operate an off-road vehicle on a highway in an area of the province described in Schedule C in accordance with this Regulation despite any provision that would provide otherwise in Parts II, IV and VI of the Act.

(2) Sections 9, 10, 16 and 18 do not apply to the operation of an off-road vehicle on a highway in an area of the province described in Schedule C if,

- (a) the driver of the off-road vehicle is at least 16 years old;
- (b) the driver of the off-road vehicle holds a driver's licence or a motorized snow vehicle operator's licence; and
- (c) the number of passengers on the off-road vehicle does not exceed the number of places on the vehicle intended for passengers.

(3) Despite section 4, an off-road vehicle may be operated on any highway other than a highway listed in Schedule A in an area of the province described in Schedule C if the conditions described in clauses (2) (a), (b) and (c) are met.

PART V REVOCATION, COMMENCEMENT

Revocation

30. Ontario Regulation 195/97 is revoked.

Commencement

31. This Regulation comes into force on the later of the day it is filed and the day Part X.3 of the Act is proclaimed in force.

SCHEDULE A HIGHWAYS PROHIBITED TO ALL OFF-ROAD VEHICLES

1. All of the King's Highways known as No. 400, 401, 402, 403, 404, 405, 407, 409, 410, 416, 417 and 427.
2. That part of the King's Highway known as No. 406 lying between a point at its intersection with the King's Highway known as the Queen Elizabeth Way in the City of St. Catharines and a point at its intersection with the roadway known as Holland Road in the City of Thorold.

3. That part of the King's Highway known as No. 420 in the City of Niagara Falls lying between a point at its intersection with the King's Highway known as the Queen Elizabeth Way and a point at its intersection with the roadway known as Stanley Avenue.
4. All of the King's Highway known as the Queen Elizabeth Way.
5. That part of the King's Highway known as No. 6 lying between a point at its intersection with the King's Highway known as No. 403 in the City of Hamilton and a point at its intersection with the King's Highway known as No. 401 in the County of Wellington.
6. That part of the King's Highway known as No. 6 lying between a point at its intersection with the southern boundary of the City of Hamilton and the roadway known as Alderlea Avenue in the City of Hamilton.
7. That part of the King's Highway known as No. 7 lying between a point at its intersection with the King's Highway known as No. 7/115 in the City of Peterborough and a point at its intersection with the eastern boundary of the City of Peterborough.
8. That part of the King's Highway known as No. 7 lying between a point at its intersection with the King's Highway known as No. 417 in the City of Ottawa and a point at its intersection with the King's Highway known as No. 15 in the Township of Beckwith.
9. That part of the King's Highway known as No. 7 lying between a point at its intersection with the roadway known as Victoria Street in the City of Kitchener and a point at its intersection with the King's Highway known as No. 8.
10. That part of the King's Highway known as No. 7/8 lying between a point at its intersection with the eastern limit of the roadway known as Waterloo Road No. 5 in the Township of Wilmot and a point at its intersection with the King's Highway known as No. 8 in the City of Kitchener.
11. That part of the King's Highway known as No. 7187 lying between a point at its intersection with the King's Highway known as No. 401 and a point at its intersection with the King's Highway known as No. 8 (King Street) in the City of Kitchener.
12. That part of the King's Highway known as No. 8 lying between a point at its intersection with the King's Highway known as No. 7187 and a point at its intersection with the King's Highway known as No. 7/8 in the City of Kitchener.
13. That part of the King's Highway known as No. 11 in the City of Orillia lying between a point at its intersection with the roadway known as Memorial Avenue and a point at its intersection with the roadway known as Lacie Street.
14. That part of the King's Highway known as No. 7/115 lying between a point at its intersection with the King's Highway known as No. 115 at the western boundary of the Township of Cavan-Millbrook-North Monagan and a point at its intersection with the King's Highway known as No. 7 in the City of Peterborough.
15. That part of the King's Highway known as No. 35/115 in the Region of Durham lying between a point at its intersection with the King's Highway known as No. 401 and a point at its intersection with the King's Highway known as No. 35 and the King's Highway known as No. 115.
16. That part of the King's Highway known as No. 58 in the City of Thorold lying between a point at its intersection with the King's Highway known as No. 406 and a point at its intersection with the westerly limit of the roadway known as Niagara Regional Road No. 57 (Thorold Stone Road).
17. That part of the King's Highway known as No. 85 lying between its intersection with the King's Highway known as No. 7 (Victoria Street) in the City of Kitchener and a point at its intersection with the roadway known as Waterloo Road No. 17 in the Township of Woolwich.
18. That part of the King's Highway known as No. 115 lying between a point at its intersection with the King's Highway known as No. 35/115 in the Region of Durham and a point at its intersection with the King's Highway known as No. 7/115 in the Township of Cavan-Millbrook-North Monagan.
19. That part of the King's Highway known as No. 137 lying between a point at its intersection with the King's Highway known as No. 401 in the Township of Leeds and the Thousand Islands and a point at its intersection with the Border between Canada and the United States of America.

SCHEDULE B HIGHWAYS PERMITTED TO ALL-TERRAIN VEHICLES

1. All of the Secondary and Tertiary highways known as and numbered 500 to 899, but not including that part of the Secondary highway known as No. 587 south of a point situate 3.6 km southerly from its intersection with the highway known as Pass Lake Cross Road in the Municipality of Shuniah, in the District of Thunder Bay, being within the boundary of Sleeping Giant Provincial Park.
2. All of the King's Highways known as and numbered 7041, 7104, 7181, 7182, 7241.

- known as Huron County Road 12 (also known as Kippen Road) in the Municipality of Huron East, in the County of Huron, and a point situate at the north end of the structure known as the Bayfield River Bridge (at the southern boundary of the former Town of Clinton) in the Municipality of Central Huron, in the County of Huron.
5. That part of the King's Highway known as No. 6 lying between a point situate at its intersection with the south junction of the highway known as Bruce County Road No. 9 (also known as Colpoys Bay Road) in the Town of South Bruce Peninsula, in the County of Bruce, and a point situate 400 metres measured north of the centre line of the roadway known as Dyers Bay Road in the Municipality of Northern Bruce Peninsula, in the County of Bruce.
 6. That part of the King's Highway known as No. 6 lying between a point situate at its intersection with the highway known as Water Street in the Township of Tehkummah, in the District of Manitoulin, and a point situate 2,000 metres measured northerly from the centre line of the highway known as Whites Point Road in the Town of Northeastern Manitoulin and the Islands, in the District of Manitoulin.
 7. That part of the King's Highway known as No. 6 lying between a point situate at 330 metres measured southerly from the middle of the swing bridge over the Little Current North Channel in the Town of Northeastern Manitoulin and the Islands in the District of Manitoulin and a point situate at its intersection with the highway known as Foster Drive in the Town of Espanola in the District of Sudbury.
 8. That part of the King's Highway known as No. 8 lying between a point situate 1.3 kilometres measured westerly from the centre line of the west most intersection with the King's Highway known as No. 23, in the Municipality of West Perth, in the County of Perth, and a point situate at its intersection with the highway known as Centennial Drive in the Municipality of Huron East, in the County of Huron.
 9. That part of the King's Highway known as No. 8 lying between a point situate 100 metres measured easterly from the centre line of the highway known as Huron Street in the Municipality of West Perth, in the County of Perth, and a point situate at its intersection with the highway known as Ransford Street in the Municipality of Central Huron, in the County of Huron.
 10. That part of the King's Highway known as No. 9 lying between a point situate at its intersection with the highway known as Wellington Road 1 in the Township of Howick, in the County of Huron, and a point situate 500 metres measured southerly from the centre line of the roadway known as Bruce Road 24 (also known as Absalom Street) in the Municipality of South Bruce, in the County of Bruce.
 11. That part of the King's Highway known as No. 9 lying between a point situate 600 metres measured northerly from the intersection with the highway known as Bruce Road 24 (also known as Absalom Street) in the Municipality of South Bruce, in the County of Bruce, and a point situate at its intersection with the King's Highway known as No. 21 in the Municipality of Kincardine, in the County of Bruce.
 12. That part of the King's Highway known as No. 11 lying between a point situate at its western most intersection with the King's highway known as No. 71 east of the Settlement Area of Barwick, in the Township of Chappel, in the Reserve of the Manitou Rapids First Nation in the District of Rainy River, and a point situate 300 metres measured easterly from the centre line of the highway known as Miller Street North at the eastern most boundary of the Town of Rainy River, in the District of Rainy River.
 13. That part of the King's Highway known as No. 11B lying between a point situate at its northern most intersection with the King's Highway known as No. 11 in the Township of Atikokan, in the District of Rainy River, and a point situate at its intersection with the Secondary Highway known as No. 622 in the District of Rainy River.
 14. That part of the King's Highway known as No. 23 lying between a point situate at its intersection with the King's Highway known as No. 7 in the Township of Lucan Biddulph, in the County of Middlesex, and a point situate 1.1 kilometres measured southerly from its intersection with the King's Highway known as No. 8 in the Municipality of West Perth, in the County of Perth.
 15. That part of the King's Highway known as No. 23 lying between a point situate at its intersection with a point measured 1.1 kilometres northerly from the King's Highway known as No. 8 in the Municipality of West Perth, in the County of Perth, and a point situate at its intersection with the roadway known as West Perth Line No. 44 in the Town of North Perth, in the County of Perth.
 16. That part of the King's Highway known as No. 28 lying between a point situate at its intersection with the highway known as Peterborough County Road 504 in the Township of North Kawartha, in the County of Peterborough, and a point situate at its intersection with the King's Highway known as No. 121 in the Town of Bancroft, in the County of Hastings.
 17. That part of the King's Highway known as No. 28 lying between a point situate 880 metres measured easterly from the centre line of the highway known as Hastings Street in the Town of Bancroft, in the County of Hastings, and a point

situate at its intersection with the King's Highway known as No. 41 in the Township of Addington Highlands, in the County of Lennox and Addington.

18. That part of the King's Highway known as No. 35 lying between a point situate at its northern most intersection with the King's Highway known as No. 118 in the Township of Minden Hills, in the County of Haliburton, and a point situate at its intersection with the King's Highway known as No. 60 in the Township of Lake of Bays, in the District of Muskoka.
19. That part of the King's Highway known as No. 41 lying between a point situate at the Frontenac and the Lennox and Addington County Boundary (Bon Echo Provincial Park North Boundary) in the Township of Addington Highlands, in the County of Lennox and Addington, and a point situate at its intersection with the highway known as Renfrew County Road 512 (also known as Foymount Road) in the Municipality of Bonnechere Valley, in the County of Renfrew.
20. That part of the King's Highway known as No. 41 lying between a point situate 800 metres measured northerly from the centre line of its southern most intersection with the King's Highways known as No. 60 (also known as Bonnechere Street) in the Municipality of Bonnechere Valley, in the County of Renfrew, and a point situate at its intersection with the King's Highway known as No.17 in the Township of Laurentian Valley, in the County of Renfrew.
21. That part of the King's Highway known as No. 60 lying between a point situate at its intersection with the highway known as Cotieville Road in the Township of Horton, in the County of Renfrew, and a point situate at its intersection with a point measured 500 metres westerly from the centre line of the highway known as Ott Road in the Municipality of Bonnechere Valley, in the County of Renfrew.
22. That part of the King's Highway known as No. 60 lying between a point situate at its intersection with a point measured 800 metres northerly from its intersection with the highway known as Bridge Street in the Municipality of Bonnechere Valley, in the County of Renfrew, and a point situate at its intersection with the highway known as Renfrew County Road 58 (also known as Round Lake Road) in the Township of Madawaska Valley, in the County of Renfrew.
23. That part of the King's Highway known as No. 60 lying between a point measured 500 metres westerly from the centre line of its western most intersection with the King's Highway known as No. 62 in the Township of Madawaska Valley, in the County of Renfrew and a point measured 300 metres southerly from the middle of the Headstone Creek Bridge (point at Algonquin Park east entrance) in the District of Nipissing.
24. That part of the King's Highway known as No. 60 lying between a point situate at its intersection with the northern most boundary of the Township of Algonquin Highlands (being the westerly boundary of Algonquin Park), in the County of Haliburton, and a point situate at its intersection with the King's Highway known as No. 35 in the Township of Lake of Bays, in the District of Muskoka.
25. That part of the King's Highway known as No. 61 lying between a point situate with the international boundary between Canada and the United States of America in the Municipality of Neebing, in the District of Thunder Bay, and a point situate at its intersection with the King's Highway known as No. 130 in the Municipality of Oliver Paipoonge, in the District of Thunder Bay.
26. That part of the King's Highway known as No. 62 lying between a point situate at its intersection with the King's Highway known as No. 7 in the Township of Madoc, in the County of Hastings, and a point situate 300 metres measured southerly from the centre line of the highway known as Bay Lake Road in the Town of Bancroft, in the County of Hastings.
27. That part of the King's Highway known as No. 62 lying between a point situate at its intersection with the highway known as Hybla Road in the Municipality of Hastings Highlands, in the County of Hastings, and a point situate at its intersection with the King's Highway known as No.127 in the Municipality of Hastings Highlands, in the County of Hastings.
28. That part of the King's Highway known as No. 63 lying between a point situate at its intersection with the highway known as Peninsula Road in the City of North Bay, in the District of Nipissing, and a point situate at its intersection with the boundary of the Province of Ontario and the Province of Quebec in the District of Nipissing.
29. That part of the King's Highway known as No. 64 lying between a point situate at its intersection with the King's Highway known as No. 69 in the Municipality of French River, in the District of Sudbury, and a point situate at its western most intersection with the King's Highway known as No. 17 in the Municipality of West Nipising, in the District of Nipissing.
30. That part of the King's Highway known as No. 64 lying between a point situate at its intersection with the highway known as Sabourin Road in the Municipality of West Nipissing, in the District of Nipissing, and a point situate at its intersection with the King's Highway known as No. 11 in the District of Nipissing.

intersection with the northern most intersection with the King's Highway known as No. 11B in the Town of New Liskeard, in the District of Timiskaming.

32. That part of the King's Highway known as No. 65 lying between a point situate at its intersection with the southern most intersection with the Kings Highway known as No. 11B in the Town of New Liskeard in the District of Timiskaming and a point situate at its intersection with the King's Highway known as No. 66 in the Township of Matachewan in the District of Timiskaming.
33. That part of the King's Highway known as No. 66 lying between a point situate at its intersection with King's Highway known as Highway No. 11 in the District of Timiskaming and a point situate at its intersection with the Secondary Highway known as No. 566 in the Township of Matachewan, in the District of Timiskaming.
34. That part of the King's Highway known as No. 72 lying between a point situate at its intersection with the King's Highway known as No. 17 in the District of Kenora and a point situate at its intersection with the Secondary Highway known as No. 664 in the Town of Sioux Lookout, in the District of Kenora.
35. That part of the King's Highway known as No. 89 lying between a point situate at its intersection with a point measured 800 metres westerly from the centre line of its western most intersection with the King's Highway known as No. 10 in the Town of Shelburne, in the County of Dufferin, and a point situate 1.4 kilometres measured east from the centre line of the King's Highway known as No. 6 in the Township of Wellington North, in the County of Wellington.
36. That part of the King's Highway known as No. 89 lying between a point situate at its intersection with a point situate 1.8 km west of its intersection with the King's Highway known as No. 6 in the Township of Wellington North, in the County of Wellington, and a point situate at the intersection with the highway known as Wellington Road No. 2 in the Town of Minto, in the County of Wellington.
37. That part of the King's Highway known as No. 101 lying between a point situate at its intersection with the boundary of the Province of Ontario and the Province of Quebec in the Township of Black River-Matheson, in the District of Cochrane, and a point situate at the middle of the bridge over the Black River in the Township of Black River-Matheson, in the District of Cochrane.
38. That part of the King's Highway known as No. 101 lying between a point situate at its western most intersection with the King's Highway known as No. 11 in the Township of Black River-Matheson, in the District of Cochrane, and a point situate at its intersection with the Tertiary Highway known as No. 803 the City of Timmins, in the District of Cochrane.
39. That part of the King's Highway known as No. 101 lying between a point situate at its intersection with the King's Highway known as No. 144 in the City of Timmins, in the District of Cochrane, and a point situate 120 metres measured easterly from the centre line of the highway known as Watson's Skyway Road in the Township of Michipicoten, in the District of Algoma.
40. That part of the King's Highway known as No. 108 lying between a point situate at its intersection with the King's Highway known as No. 17 in the Township of The North Shore, in the District of Algoma, and a point situate at its intersection with the highway known as Eastern Drive South in the City of Elliot Lake, in the District of Algoma.
41. That part of the King's Highway known as No. 112 lying between a point situate at its intersection with the King's Highway known as No. 11 in the District of Timiskaming and a point situate at its intersection with the King's Highway known as No. 66 in the Town of Kirkland Lake, in the District of Timiskaming.
42. That part of the King's Highway known as No. 118 lying between a point situate at its intersection with the highway known as Haliburton Road 14 (also known as Eagle Lake Road) in the Municipality of Dysart et al, in the County of Halibuton, and a point situate at its intersection with the King's Highway known as No. 11 in the Town of Bracebridge, in the District of Muskoka.
43. That part of the King's Highway known as No. 118 lying between a point situate at its intersection with a point measured 500 easterly from the centre line of the highway known as Dover Spring Road in the Municipality of Dysart et al, in the County of Haliburton, and a point situate at its intersection with the King's Highway known as No. 28 in the Township of Faraday, in the County of Hastings.
44. That part of the King's Highway known as No. 124 lying between a point situate at its intersection with the highway known as Hurdville Road South in the Township of McDougall, in the District of Parry Sound, and a point situate at its intersection with the King's Highway known as No. 11 in the Township of Strong, in the District of Parry Sound.
45. That part of the King's Highway known as No. 129 lying between a point situate 900 metres measured north of the centre line of the highway known as River Street in the Town of Thessalon, in the District of Algoma, and a point situate at 500 metres measured north of the centre line of the highway known as Eastern Drive South in the Township of Chapleau, in the District of Sudbury.

46. That part of the King's Highway known as No. 132 lying between a point situate at 1.5 kilometres measured west of the centre line of the highway known as Renfrew County Road 33 (also known as Lochiel Avenue) in the Town of Renfrew in the County of Renfrew and a point situate at its intersection with the King's Highway known as No. 41 in the Township of Bonnechere Valley in the County of Renfrew.
47. That part of the King's Highway known as No. 144 lying between a point situate at its intersection with the highway known as Cartier East Entrance Road in the Geographic Township of Cartier, in the District of Sudbury, and a point situate at its intersection with the King's Highway known as No. 101 in the City of Timmins, in the District of Cochrane.
48. Every highway or part of a highway in a municipality on which an ATV is permitted to operate under the authority of by-law made by the municipality under subsection 191.8 (3) of the Act, but only during the months or hours specified in the by-law if the by-law limits the operation of an ATV on a highway or part of a highway within the municipality to certain months or hours.

SCHEDULE C
AREAS IN FAR NORTHERN ONTARIO AND UNORGANIZED TERRITORY

1. The areas in the districts of Kenora and Thunder Bay north of the railway tracks of the Canadian National Railways passing through the municipalities of Malachi, Minaki, Quibell, Sioux Lookout, Savant Lake, Armstrong and Nakina.
2. The area in the Territorial District of Cochrane north of 50 degrees latitude.
3. The area in the Territorial District of Algoma north of the railway tracks of the Canadian Pacific Railway passing through the municipalities of Amyot, Franz and Missanabie.
4. All highways that are in unorganized territory and that are under the jurisdiction and control of a road authority other than the Ministry.

33/03

ONTARIO REGULATION 317/03

made under the

OFF-ROAD VEHICLES ACT

Made: July 24, 2003
Filed: July 28, 2003

Amending Reg. 863 of R.R.O. 1990
(General)

Note: Regulation 863 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 3 of Regulation 863 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraphs:

- 1.1 Vehicles designed for use on all terrains, commonly known as all-terrain vehicles, that have steering handlebars and a seat that is designed to be straddled by the driver.
- 1.2 Vehicles designed for utility applications or uses on all terrains that have four or more wheels and a seat that is not designed to be straddled by the driver.

2. Subsection 4 (1) of the Regulation is revoked and the following substituted:

- (1) The areas set out in Schedule 1 are designated as areas within which subsection 2 (2) of the Act does not apply.

3. Section 11 of the Regulation is revoked and the following substituted:

11. The requirements for a helmet for the purpose of section 19 of the *Off-Road Vehicles Act* are those set out for motorcycles in Regulation 610 of the Revised Regulations of Ontario, 1990 made under the *Highway Traffic Act*.

4. This Regulation comes into force on the later of the day it is filed and the day Part X.3 of the *Highway Traffic Act* is proclaimed in force.

33/03

made under the
HIGHWAY TRAFFIC ACT

Made: July 24, 2003
Filed: July 28, 2003

Amending Reg. 625 of R.R.O. 1990
(Tire Standards and Specifications)

Note: Regulation 625 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsection 7 (2) of Regulation 625 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(2) Subsection (1) does not apply to an off-road vehicle being operated under Ontario Regulation 316/03 ("Operation of Off-Road Vehicles on Highways") made under the *Highway Traffic Act* or under subsection 2 (2) of the *Off-Road Vehicles Act*.

2. This Regulation comes into force on the later of the day it is filed and the day Part X.3 of the Act is proclaimed in force.

33/03

ONTARIO REGULATION 319/03

made under the
MUNICIPAL ACT, 2001

Made: July 24, 2003
Filed: July 28, 2003

APPORTIONMENTS — HOMES FOR THE AGED AND REST HOMES IN TERRITORIAL DISTRICTS

Definitions

1. In this Regulation,

"apportionment" means an apportionment made by a board of management of a home among the contributing municipalities within a territorial district of the total amount required under subsection 24 (4) or 25 (1) of the *Homes for the Aged and Rest Homes Act*;

"contributing municipality" means a municipality that is required to defray the expenditures or costs of a home under subsection 24 (4) or 25 (1) of the *Homes for the Aged and Rest Homes Act*;

"home" means a home established and maintained under section 6 of the *Homes for the Aged and Rest Homes Act* or a home maintained and operated under an agreement with the Minister of Health under section 10 of the *Homes for the Aged and Rest Homes Act*.

Apportionment

2. For the purposes of the apportionment under subsection 321 (2) of the Act, the expenditures or costs of maintaining and operating a home or altering, renovating or adding to or extending an existing home shall be apportioned, on a percentage basis, among the contributing municipalities for that home in accordance with the Table.

Application

3. This Regulation applies to apportionments made in 2003.

TABLE

District of Algoma	City of Elliot Lake	4.467
	City of Sault Ste. Marie	76.242
	Municipality of Huron Shores	1.469
	Town of Blind River	2.699
	Town of Bruce Mines	0.460
	Town of Thessalon	0.716
	Township of Dubreuilville	0.514
	Township of Hilton	0.347
	Township of Hornepayne	0.813
	Township of Jocelyn	0.412
	Township of Johnston	0.514
	Township of Laird	0.664
	Township of MacDonald, Meredith and Aberdeen Additional	0.942
	Township of Michipicoten	5.026
	Township of Plummer Additional	0.508
	Township of Prince	0.677
	Township of Shedden	0.374
	Township of St. Joseph	1.105
	Township of Tarbutt & Tarbutt Additional	0.407
	Township of The North Shore	0.747
District of Kenora	Township of White River	0.729
	Village of Hilton Beach	0.168
	City of Dryden	29.029
	City of Kenora	43.521
	Municipality of Red Lake	9.467
	Municipality of Sioux Lookout	7.259
	Township of Ear Falls	1.937
	Township of Ignace	2.215
	Township of Machin	2.609
District of Manitoulin	Township of Pickle Lake	1.411
	Township of Sioux Narrows - Nestor Falls	2.552
	Town of Gore Bay	6.268
	Town of Northeastern Manitoulin and the Islands	32.826
	Township of Assiginack	10.771
	Township of Barrie Island	1.293
	Township of Billings	9.809
	Township of Burpee and Mills	4.761
	Township of Central Manitoulin	21.700
East District of Nipissing	Township of Cockburn Island	1.258
	Township of Gordon	6.531
	Township of Tehkummah	4.783
	City of North Bay	85.613
	Town of Mattawa	1.790
	Township of Bonfield	2.143
	Township of Calvin	1.116
	Township of Chisholm	1.075
	Township of East Ferris	4.597
West District of Nipissing	Township of Mattawan	0.503
	Township of Papineau-Cameron	2.259
	Township of South Algonquin	0.904
East District of Parry Sound	Municipality of Temagami	13.092
	Municipality of West Nipissing	86.908
	Municipality of Whitestone	3.990
	Town of Parry Sound	14.510
	Township of Carling	9.340
	Township of McDougall	6.980
	Township of McKellar	6.680
	Township of McMurrich/Monteith	2.210
West District of Parry Sound	Township of Seguin	30.720
	Township of The Archipelago	25.570
	Municipality of Magnetewan	14.417
	Municipality of Powassan	10.082
	Town of Kearney	7.313

	Township of Machar	6.343
	Township of Nipissing	8.833
	Township of Callander	11.709
	Township of Perry	9.763
	Township of Ryerson	3.879
	Township of Strong	7.829
	Village of Burk's Falls	3.185
	Village of South River	2.679
	Village of Sundridge	4.244
District of Rainy River	Town of Fort Frances	58.143
	Town of Rainy River	3.256
	Township of Alberton	5.081
	Township of Atikokan	15.067
	Township of Chapple	3.283
	Township of Dawson	2.605
	Township of Emo	4.995
	Township of La Vallee	3.122
	Township of Lake of the Woods	2.456
	Township of Morley	1.992

33/03

ONTARIO REGULATION 320/03

made under the

ONTARIO NEW HOME WARRANTIES PLAN ACT

Made: June 10, 2003

Filed: July 28, 2003

Amending Reg. 892 of R.R.O. 1990
(Administration of the Plan)

Note: Regulation 892 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 1 of Regulation 892 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:

“business day” means any day other than Saturday, Sunday or a holiday; (“jour ouvrable”)

“conciliation” means a process whereby the Corporation determines whether a disputed item listed on a notice of claim given to the Corporation under section 4 or any of sections 4.2 to 4.6 is covered by a warranty and whether repairs or compensation are required; (“conciliation”)

“pre-delivery inspection date” means the date, on or before the date of possession, on which the vendor and either one or both of the purchaser and the purchaser’s designate conduct an inspection of the home; (“date de l’inspection préalable à la prise de possession”)

2. Section 2 of the Regulation is amended by adding the following paragraphs:

4. For every home with a date of possession on or after October 1, 2003, the vendor shall deliver to the purchaser, on or before the pre-delivery inspection date, the most current freehold or condominium edition, as applicable, of the document entitled *Homeowner Information Package* published by the Corporation.
5. For every home with a date of possession on or after October 1, 2003, the vendor shall, on the pre-delivery inspection date, complete and sign a certificate of completion and possession form and a pre-delivery inspection form approved by the Corporation and deliver a copy of the completed and signed forms to the purchaser.
6. Within 15 days from the date of possession of each home sold by a vendor, the vendor shall submit to the Corporation the completed and signed forms mentioned in paragraph 5.

3. The Regulation is amended by adding the following sections:

4.1 (1) This section and sections 4.2 to 4.6 apply, and section 4 does not apply, to all homes, excluding the common elements of a condominium project, with a date of possession on or after October 1, 2003.

(2) In this section and sections 4.2 to 4.5,

“warranty claim” means a claim for breach of a warranty under subsection 14 (3) of the Act; (“réclamation au titre de la garantie”)

“warranty period”, for a warranty described in subsection 13 (1) of the Act, means the period commencing on the date on which the warranty takes effect under subsection 13 (3) of the Act and expiring on the date that the warranty expires. (“période de garantie”)

(3) During the first year of the warranty period, the owner shall submit to the Corporation a warranty claim only within one or both of the following time periods:

1. 30 days from the date of possession.
2. The final 30 days of the first year of the warranty period.

(4) The Corporation may, in its sole discretion, extend or abridge any times specified in this section, sections 4.2 to 4.6 and section 5.1 if it determines that,

- (a) the vendor is unable or unwilling to repair or resolve the claim items covered by a warranty; or
- (b) the warranty claim involves items requiring seasonal repairs, items involving health and safety or items involving other extraordinary circumstances.

(5) A person whom this section or any of sections 4.2 to 4.6 requires to submit a form to the Corporation shall submit the form by hand, courier, facsimile transmission or, except during a general interruption of postal service, regular mail or registered mail.

(6) Submission by hand or courier is effective on the day that the Corporation receives it, if that day is a business day, and otherwise on the next business day.

(7) Submission by facsimile transmission is effective on the business day sent, if sent before 12 midnight, and otherwise on the next business day.

(8) Submission by regular mail is effective on the post-mark date if the Corporation receives it within five days of the expiry of the period during which this section or any of sections 4.2 to 4.6 permit the submission.

(9) Submission by registered mail is effective on the post-mark date and the receipt issued in accordance with the regulations relating to registered mail made under the *Canada Post Corporation Act* (Canada) is admissible in evidence as proof of the post-mark date, in the absence of evidence to the contrary.

30-DAY CLAIMS

4.2 (1) In this section,

“30-day form” means a form that the Corporation requires for a warranty claim that an owner submits to the Corporation within 30 days from the date of possession.

(2) In order to make a warranty claim within 30 days from the date of possession, the owner shall complete and submit to the Corporation a 30-day form.

(3) An owner may submit only one 30-day form for a home and the Corporation shall be deemed to have received only the first 30-day form for a home that the owner submits.

(4) Subject to subsection (5) and section 5.1, if an owner submits a 30-day form to the Corporation within 30 days from the date of possession, the vendor shall have until the 150th day from the date on which the Corporation receives the form to repair or resolve the claim items that are listed on the form and that are covered by a warranty.

(5) If the vendor does not repair or resolve all of the claim items listed on the 30-day form by the 120th day from the date on which the Corporation receives the form, the owner may request a conciliation by contacting the Corporation at any time between the 121st day and the 150th day, both inclusive, from the date on which the Corporation receives the form.

(6) If the owner does not request conciliation under subsection (5), the owner shall be deemed to have withdrawn all claim items listed on the 30-day form that the vendor does not repair or resolve by the 150th day from the date on which the Corporation receives the form.

(7) The owner may re-submit a warranty claim, at the prescribed times, for any claim item that subsection (6) deems the owner to have withdrawn if the warranty period applicable to the claim item has not expired before the date of re-submission.

"year-end form" means a form that the Corporation requires for a warranty claim that an owner submits to the Corporation within the final 30 days of the first year of the warranty period.

(2) In order to make a warranty claim during the final 30 days of the first year of the warranty period, the owner shall complete and submit to the Corporation a year-end form.

(3) If more than one year-end form is submitted for a home during the final 30 days of the first year of the warranty period, the claim items listed on the last year-end form submitted to the Corporation for the home shall replace the claim items listed on all other year-end forms submitted for the home.

(4) Subject to subsection (5) and section 5.1, if an owner submits a year-end form to the Corporation within the final 30 days of the first year of the warranty period, the vendor shall have until the 150th day from the later of the date on which the Corporation receives the form and the day before the first anniversary of the date of possession to repair or resolve the claim items that are listed on the form and that are covered by a warranty.

(5) If the vendor does not repair or resolve all of the claim items listed on the year-end form by the 120th day from the later of the date on which the Corporation receives the form and the day before the first anniversary of the date of possession, the owner may request a conciliation by contacting the Corporation at any time between the 121st day and the 150th day, both inclusive, from the later of the date on which the Corporation receives the form and the day before the first anniversary of the date of possession.

(6) If the owner does not request conciliation under subsection (5), the owner shall be deemed to have withdrawn all claim items listed on the year-end form that the vendor does not repair or resolve by the 150th day from the later of the date on which the Corporation receives the form and the day before the first anniversary of the date of possession.

(7) The owner may re-submit a warranty claim, at the prescribed times, for any claim item that subsection (6) deems the owner to have withdrawn if the warranty period applicable to the claim item has not expired before the date of re-submission.

SECOND-YEAR CLAIMS

4.4 (1) In this section,

"second-year form" means a form that the Corporation requires for a warranty claim that an owner submits to the Corporation during the second year of the warranty period.

(2) In order to make a warranty claim during the second year of the warranty period, the owner shall complete and submit to the Corporation a second-year form.

(3) Subject to subsection (4) and section 5.1, if an owner submits a second-year form to the Corporation in the second year of the warranty period, the vendor shall have until the 150th day from the date on which the Corporation receives the form to repair or resolve the claim items that are listed on the form and that are covered by a warranty.

(4) If the vendor does not repair or resolve all of the claim items listed on the second-year form by the 120th day from the date on which the Corporation receives the form, the owner may request a conciliation by contacting the Corporation at any time between the 121st day and the 150th day, both inclusive, from the date on which the Corporation receives the form.

DELAYED OCCUPANCY CLAIMS

4.5 (1) In this section,

"delayed occupancy form" means a form that the Corporation requires for a warranty claim that an owner submits to the Corporation in respect of a claim under section 17.

(2) In order to make a claim under section 17, the owner shall complete and submit to the Corporation within 30 days from the date of possession or during the final 30 days of the first year of the warranty period, a delayed occupancy form, together with copies of all receipts.

(3) If an owner submits a delayed occupancy form in accordance with subsection (2), the vendor shall have until the 150th day from the date on which the Corporation receives the form to pay the owner the compensation required under section 17 or to settle the claim.

(4) If the vendor does not pay the owner the compensation required under section 17 or settle the claim by the 150th day from the date on which the Corporation receives the form, the owner may request an assessment of the claim by contacting the Corporation.

(5) The Corporation shall, at any time between the 30th day and the 40th day, both inclusive, from the date of the owner's request, issue to the owner and the vendor a report setting out the Corporation's assessment of whether compensation is payable by the vendor under section 17 and, if so, the amount.

(6) The vendor shall have 30 days from the date that the report is issued to pay the amount payable.

(7) If the vendor does not pay the amount payable within the time period specified in subsection (6), the Corporation shall make payment from the guarantee fund to the owner.

MAJOR STRUCTURAL DEFECT CLAIMS — YEARS 3 THROUGH 7

4.6 (1) In order to make a claim under subsection 14 (4) of the Act for a home, the owner shall complete and submit to the Corporation a major structural defect form in the form that the Corporation requires.

(2) Within 10 days of receiving the form, the Corporation shall,

- (a) conduct an inspection of the home or an assessment of the claim items listed on the form, without doing an inspection of the home; and
- (b) issue to the owner a report setting out the Corporation's assessment of whether the claim items listed on the form are eligible for compensation under subsection 14 (4) of the Act.

4. The Regulation is amended by adding the following section:

5.1 (1) This section applies, and subsection 5 (2) does not apply, to all homes, excluding the common elements of a condominium project, with a date of possession on or after October 1, 2003.

(2) If an owner requests conciliation in accordance with section 4.2, 4.3 or 4.4, the Corporation shall, at any time between the 30th day and the 40th day, both inclusive, from the date of the request for conciliation, conduct a conciliation and issue to the owner and the vendor a report setting out the Corporation's assessment of whether the claim items are covered by a warranty and the repairs or compensation, if any, required.

(3) The vendor shall have a further 30 days from the date on which the report is issued to complete the repairs or pay the compensation required in the report.

(4) If the vendor does not complete the repairs or pay the compensation, the Corporation shall, subject to subsection 14 (3) of the Act and section 6, pay the compensation out of the guarantee fund to the owner or shall perform or arrange for the performance of the repairs.

5. Schedule A to the Regulation is amended by striking out paragraph 5 and substituting the following:

5. The fee payable by a vendor for a conciliation of a dispute is,

(a) for the first conciliation with respect to each 25 units or fewer sold by the vendor	no fee
(b) for each conciliation after the first conciliation with respect to each 25 units or fewer sold by the vendor	\$550

6. This Regulation comes into force on August 1, 2003.

Passed by the Directors on June 10, 2003.

ONTARIO NEW HOME WARRANTY PROGRAM:

AL LIBFELD
Chair

HARRY HERSKOWITZ
Secretary

Confirmed by the members in accordance with the *Corporations Act* on June 10, 2003.

HARRY HERSKOWITZ
Secretary

pris en application de la

LOI SUR LE RÉGIME DE GARANTIES DES LOGEMENTS NEUFS DE L'ONTARIO

pris le 10 juin 2003
déposé le 28 juillet 2003

modifiant le Règl. 892 des R.R.O. de 1990
(Administration du Régime)

Remarque : Le Règlement 892 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. L'article 1 du Règlement 892 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction des définitions suivantes :

«conciliation» Processus par lequel la Société décide si les articles ou questions en litige énumérés dans l'avis de réclamation qu'elle reçoit en application de l'article 4 ou d'un des articles 4.2 à 4.6 font l'objet d'une garantie et si des réparations ou une indemnisation sont exigées. («conciliation»)

«date de l'inspection préalable à la prise de possession» Date identique ou antérieure à la date de prise de possession, à laquelle le vendeur et soit l'acheteur ou son délégué, soit les deux, inspectent le logement. («pre-delivery inspection date»)

«jour ouvrable» Jour qui n'est ni un samedi, ni un dimanche, ni un jour férié. («business day»)

2. L'article 2 du Règlement est modifié par adjonction des dispositions suivantes :

4. Le vendeur de chaque logement dont la date de prise de possession tombe le 1^{er} octobre 2003 ou par la suite remet à l'acheteur, au plus tard à la date de l'inspection préalable à la prise de possession, la version la plus récente, pour les propriétés franches ou les condominiums, selon le cas, du document intitulé *Homeowner Information Package* publié par la Société.
5. À la date de l'inspection préalable à la prise de possession, le vendeur de chaque logement dont la date de prise de possession tombe le 1^{er} octobre 2003 ou par la suite remplit et signe la formule de certificat d'achèvement et de prise de possession et la formule d'inspection préalable à la prise de possession qu'approuve la Société et en remet une copie à l'acheteur.
6. Dans les 15 jours de la date de prise de possession de chaque logement qu'il a vendu, le vendeur remet à la Société les formules remplies et signées visées à la disposition 5.

3. Le Règlement est modifié par adjonction des articles suivants :

4.1 (1) Le présent article et les articles 4.2 à 4.6 s'appliquent et l'article 4 ne s'applique pas aux logements, à l'exclusion des parties communes d'un projet condominial, dont la date de prise de possession tombe le 1^{er} octobre 2003 ou par la suite.

(2) Les définitions qui suivent s'appliquent au présent article et aux articles 4.2 à 4.5.

«période de garantie» Relativement à une garantie visée au paragraphe 13 (1) de la Loi, s'entend de la période qui débute le jour où la garantie entre en vigueur en application du paragraphe 13 (3) de la Loi et qui se termine le jour où elle expire. («warranty period»)

«réclamation au titre de la garantie» Réclamation présentée en vertu du paragraphe 14 (3) de la Loi en cas de violation de garantie. («warranty claim»)

(3) Dans la première année de la période de garantie, le propriétaire ne doit présenter une réclamation au titre de la garantie à la Société qu'au cours des périodes suivantes :

1. Dans les 30 jours de la date de prise de possession.
2. Dans les 30 derniers jours de la première année de la période de garantie.

(4) La Société peut, à sa seule discrétion, proroger ou abrégier les délais précisés au présent article, aux articles 4.2 à 4.6 et à l'article 5.1 si elle détermine, selon le cas :

- a) que le vendeur n'est pas en mesure ou refuse de réparer les articles ou de régler les questions visés par la réclamation et faisant l'objet d'une garantie;
- b) que la réclamation au titre de la garantie vise des articles ou questions qui nécessitent des réparations saisonnières ou qui sont liés à la santé et à la sécurité ou à d'autres circonstances extraordinaires.

(5) Les formules à remettre à la Société en application du présent article ou d'un des articles 4.2 à 4.6 le sont en mains propres, par messenger, par télécopieur ou, sauf en cas d'interruption générale du service postal, par courrier ordinaire ou recommandé.

(6) La remise en mains propres ou par messenger prend effet le jour de la réception par la Société, s'il s'agit d'un jour ouvrable, ou, sinon, le jour ouvrable suivant.

(7) La remise par télécopieur prend effet le jour ouvrable de l'envoi, s'il a lieu avant minuit, ou, sinon, le jour ouvrable suivant.

(8) La remise par courrier ordinaire prend effet à la date du cachet de la poste si la Société reçoit l'envoi dans les cinq jours de l'expiration du délai qu'accorde le présent article ou l'un des articles 4.2 à 4.6 pour ce mode de remise.

(9) La remise par courrier recommandé prend effet à la date du cachet de la poste et le récépissé remis conformément aux règlements d'application de la *Loi sur la Société canadienne des postes* (Canada) qui traitent du courrier recommandé est admissible en preuve comme preuve de cette date en l'absence de preuve contraire.

RÉCLAMATION DANS LES 30 JOURS

4.2 (1) La définition qui suit s'applique au présent article.

«formule de réclamation dans les 30 jours» Formule que la Société exige pour la réclamation au titre de la garantie que le propriétaire lui présente dans les 30 jours de la date de prise de possession.

(2) Pour présenter une réclamation au titre de la garantie dans les 30 jours de la date de prise de possession, le propriétaire remplit la formule de réclamation dans les 30 jours et la remet à la Société.

(3) Le propriétaire ne peut remettre qu'une seule formule de réclamation dans les 30 jours à l'égard d'un logement. La Société est réputée ne recevoir que la première formule de réclamation dans les 30 jours que le propriétaire lui remet à l'égard du logement.

(4) Sous réserve du paragraphe (5) et de l'article 5.1, le vendeur dispose de 150 jours à compter du jour de la réception par la Société de la formule de réclamation dans les 30 jours que le propriétaire lui remet dans les 30 jours de la date de prise de possession pour réparer les articles ou régler les questions énumérés sur la formule et faisant l'objet d'une garantie.

(5) Si le vendeur ne répare pas les articles ou ne règle pas les questions énumérés sur la formule de réclamation dans les 30 jours dans les 120 jours du jour de sa réception par la Société, le propriétaire peut demander une conciliation en contactant la Société du 121^e au 150^e jour, inclusivement, de ce jour.

(6) Le propriétaire qui ne demande pas de conciliation en vertu du paragraphe (5) est réputé avoir retiré de la formule de réclamation dans les 30 jours les articles non réparés et les questions non réglées par le vendeur dans les 150 jours du jour de la réception de la formule par la Société.

(7) Le propriétaire peut, aux moments prescrits, présenter une nouvelle réclamation au titre de la garantie à l'égard d'un article ou d'une question qu'il est réputé avoir retiré en application du paragraphe (6) si la période de garantie qui s'y applique n'a pas expiré à ces moments-là.

RÉCLAMATION DE FIN D'ANNÉE

4.3 (1) La définition qui suit s'applique au présent article.

«formule de réclamation de fin d'année» Formule que la Société exige pour la réclamation au titre de la garantie que le propriétaire lui présente dans les 30 derniers jours de la première année de la période de garantie.

(2) Pour présenter une réclamation au titre de la garantie dans les 30 derniers jours de la première année de la période de garantie, le propriétaire remplit la formule de réclamation de fin d'année et la remet à la Société.

(3) Si plusieurs formules de réclamation de fin d'année sont remises à la Société à l'égard d'un logement dans les derniers 30 jours de la première année de la période de garantie, les articles et questions énumérés sur la dernière remplacent ceux énumérés sur les autres.

(4) Sous réserve du paragraphe (5) et de l'article 5.1, le vendeur dispose de 150 jours à compter du dernier en date du jour de la réception par la Société de la formule de réclamation de fin d'année que le propriétaire lui remet dans les 30 derniers jours de la première année de la période de garantie et du jour précédant le premier anniversaire de la date de prise de possession pour réparer les articles ou régler les questions énumérés sur la formule et faisant l'objet d'une garantie.

(5) Si le vendeur ne répare pas les articles ou ne règle pas les questions énumérés sur la formule de réclamation de fin d'année dans les 120 jours du dernier en date du jour de sa réception par la Société et du jour précédant le premier anniversaire de la date de prise de possession, le propriétaire peut demander une conciliation en contactant la Société du 121^e au 150^e jour, inclusivement, du dernier en date de ces deux jours.

(6) Le propriétaire qui ne demande pas de conciliation en vertu du paragraphe (5) est réputé avoir retiré de la formule de réclamation de fin d'année les articles non réparés et les questions non réglées par le vendeur dans les 150 jours du dernier en

(7) Le propriétaire peut, aux moments prescrits, présenter une nouvelle réclamation au titre de la garantie à l'égard d'un article ou d'une question qu'il est réputé avoir retiré en application du paragraphe (6) si la période de garantie qui s'y applique n'a pas expiré à ces moments-là.

RÉCLAMATION DE DEUXIÈME ANNÉE

4.4 (1) La définition qui suit s'applique au présent article.

«formule de réclamation de deuxième année» Formule que la Société exige pour la réclamation au titre de la garantie que le propriétaire lui présente dans la deuxième année de la période de garantie.

(2) Pour présenter une réclamation au titre de la garantie dans la deuxième année de la période de garantie, le propriétaire remplit la formule de réclamation de deuxième année et la remet à la Société.

(3) Sous réserve du paragraphe (4) et de l'article 5.1, le vendeur dispose de 150 jours à compter du jour de la réception par la Société de la formule de réclamation de deuxième année que le propriétaire lui remet dans la deuxième année de la période de garantie pour réparer les articles ou régler les questions énumérés sur la formule et faisant l'objet d'une garantie.

(4) Si le vendeur ne répare pas les articles ou ne règle pas les questions énumérés sur la formule de réclamation de deuxième année dans les 120 jours du jour de sa réception par la Société, le propriétaire peut demander une conciliation en contactant la Société du 121^e au 150^e jour, inclusivement, de ce jour.

RÉCLAMATION POUR RETARD D'OCCUPATION

4.5 (1) La définition qui suit s'applique au présent article.

«formule de retard d'occupation» Formule que la Société exige pour la réclamation au titre de la garantie que le propriétaire lui remet à l'égard d'une réclamation présentée en vertu de l'article 17.

(2) Pour présenter une réclamation en vertu de l'article 17, le propriétaire remplit la formule de retard d'occupation et la remet à la Société avec des copies des reçus dans les 30 jours de la date de prise de possession ou dans les 30 derniers jours de la première année de la période de garantie.

(3) Le vendeur dispose de 150 jours à compter du jour de la réception par la Société de la formule de retard d'occupation que le propriétaire lui remet conformément au paragraphe (2) pour payer à ce dernier l'indemnité exigée en application de l'article 17 ou pour régler la réclamation.

(4) Le propriétaire peut demander l'évaluation d'une réclamation en contactant la Société si le vendeur ne lui paie pas l'indemnité exigée en application de l'article 17 ou ne règle pas une réclamation dans les 150 jours du jour de la réception de la formule par la Société.

(5) Du 30^e au 40^e jour, inclusivement, de la date de la demande du propriétaire, la Société remet à celui-ci et au vendeur un rapport énonçant son évaluation quant à la question de savoir si ce dernier doit verser une indemnité en application de l'article 17, et le cas échéant, son montant.

(6) Le vendeur dispose de 30 jours à compter de la date de la remise du rapport pour verser l'indemnité fixée.

(7) Si le vendeur ne verse pas l'indemnité fixée dans le délai précisé au paragraphe (6), la Société la verse au propriétaire par prélèvement sur le fonds de garantie.

RÉCLAMATION POUR VICE DE CONSTRUCTION IMPORTANT DE LA TROISIÈME À LA SEPTIÈME ANNÉE

4.6 (1) Pour présenter une réclamation en vertu du paragraphe 14 (4) de la Loi à l'égard d'un logement, le propriétaire remplit la formule de vice de construction important qu'exige la Société et la lui remet.

(2) Dans les 10 jours de la réception de la formule, la Société :

- a) d'une part, inspecte le logement ou évalue les articles et questions énumérés dans la formule sans inspecter le logement;
- b) d'autre part, remet au propriétaire un rapport énonçant son évaluation quant à la question de savoir si les articles et questions visés par la réclamation et énumérés sur la formule donnent droit à une indemnité en application du paragraphe 14 (4) de la Loi.

4. Le Règlement est modifié par adjonction de l'article suivant :

5.1 (1) Le présent article s'applique et le paragraphe 5 (2) ne s'applique pas aux logements, à l'exclusion des parties communes d'un projet condominial, dont la date de prise de possession tombe le 1^{er} octobre 2003 ou par la suite.

(2) Du 30^e au 40^e jour, inclusivement, de la date à laquelle le propriétaire demande la conciliation conformément à l'article 4.2, 4.3 ou 4.4, la Société mène celle-ci et remet au propriétaire et au vendeur un rapport énonçant son évaluation quant à la question de savoir si les articles ou questions font l'objet d'une garantie et si les réparations ou l'indemnité éventuelles sont exigées.

(3) Le vendeur, dispose d'une autre période de 30 jours à compter de la date de la remise du rapport pour exécuter les réparations et verser l'indemnité qui y sont exigées.

(4) Si le vendeur ne le fait pas, la Société, sous réserve du paragraphe 14 (3) de la Loi et de l'article 6, verse l'indemnité au propriétaire par prélèvement sur le fonds de garantie ou exécute ou fait exécuter les réparations.

5. L'annexe A du Règlement est modifiée par substitution de ce qui suit à la disposition 5 :

5. Les droits payables par le vendeur pour la conciliation d'un différend s'établissent comme suit :

a) pour chaque tranche de 25 unités ou moins vendues par le vendeur, la première conciliation est	gratuite
b) pour chaque tranche de 25 unités ou moins vendues par le vendeur, chaque conciliation subséquente s'établit à	550 \$

6. Le présent règlement entre en vigueur le 1^{er} août 2003.

Adopté par les administrateurs le 10 juin 2003.

ONTARIO NEW HOME WARRANTY PROGRAM:

AL LIBFELD
Président

HARRY HERSKOWITZ
Secrétaire

Ratifié par les membres conformément à la *Loi sur les personnes morales* le 10 juin 2003.

HARRY HERSKOWITZ
Secrétaire

33/03

ONTARIO REGULATION 321/03

made under the

ONTARIO NEW HOME WARRANTIES PLAN ACT

Made: June 10, 2003

Filed: July 28, 2003

Amending Reg. 894 of R.R.O. 1990

(Terms and Conditions of Registration of Builders and Vendors)

Note: Regulation 894 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Regulation 894 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

0.1 In this Regulation,

"construction contract", "date of possession", "purchase agreement" and "purchaser" have the same meaning as in Regulation 892 of the Revised Regulations of Ontario, 1990. ("contrat de construction", "date de prise de possession", "convention d'achat" and "acheteur")

the registrant shall from time to time, at the registrant's expense, furnish to the following persons the documents relating to the Plan that the Registrar reasonably requires to be furnished:

- i. The Registrar.
- ii. The purchasers who have entered into a purchase agreement with the registrant.
- iii. The owners who have entered into a construction contract with the registrant.
- iv. The owners of a home to whom the registrant has transferred title to the home.

(2) Section 1 of the Regulation is amended by adding the following paragraphs:

- 11.1 For every home with a date of possession on or after October 1, 2003, in respect of which the registrant acts as a vendor or a builder, the registrant shall conduct a pre-delivery inspection of the home with either one or both of the purchaser and the purchaser's designate on or before the date of possession, without charging a fee.
- 11.2 In every purchase agreement or construction contract entered into on or after October 1, 2003 for a home, in respect of which the registrant acts as a vendor or a builder, the registrant shall include a provision whereby the parties agree that the registrant and either one or both of the purchaser and the purchaser's designate will, on or before the date of possession, meet at the home and conduct the pre-delivery inspection of the home described in paragraph 11.1.
- 11.3 In every purchase agreement or construction contract entered into on or after October 1, 2003 for a home, in respect of which the registrant acts as a vendor or a builder, the registrant shall include a provision stating that,
 - i. the registrant shall deliver to the purchaser, no later than the date of the pre-delivery inspection described in paragraph 11.1, the most current freehold or condominium edition, as applicable, of the document entitled *Homeowner Information Package* published by the Corporation, and
 - ii. the document entitled *Homeowner Information Package* is also available from the Corporation.
- 11.4 If the Registrar so requests at any time, the registrant shall participate in the training or complete the courses of study that the Registrar reasonably requires.

3. This Regulation comes into force on August 1, 2003.

Passed by the Directors on June 10, 2003.

ONTARIO NEW HOME WARRANTY PROGRAM:

AL LIBFELD
Chair

HARRY HERSKOWITZ
Secretary

Confirmed by the members in accordance with the *Corporations Act* on June 10, 2003.

HARRY HERSKOWITZ
Secretary

RÈGLEMENT DE L'ONTARIO 321/03

pris en application de la

LOI SUR LE RÉGIME DE GARANTIES DES LOGEMENTS NEUFS DE L'ONTARIO

pris le 10 juin 2003
déposé le 28 juillet 2003

modifiant le Règl. 894 des R.R.O. de 1990

(Modalités et conditions d'inscription applicables aux constructeurs et aux vendeurs)

Remarque : Le Règlement 894 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. Le Règlement 894 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction de l'article suivant :

0.1 Les définitions qui suivent s'appliquent au présent règlement :

«acheteur», «contrat de construction», «convention d'achat» et «date de prise de possession» S'entendent au sens du Règlement 892 des Règlements refondus de l'Ontario de 1990. («purchaser», «construction contract», «purchase agreement» et «date of possession»)

2. (1) La disposition 5 de l'article 1 du Règlement est abrogée et remplacée par ce qui suit :

5. La personne inscrite fournit à ses frais aux personnes suivantes les documents se rapportant au Régime dont le registrateur exige la fourniture en se fondant sur des motifs raisonnables :

- i. Le registrateur.
- ii. Les acheteurs qui ont conclu une convention d'achat avec elle.
- iii. Les propriétaires qui ont conclu un contrat de construction avec elle.
- iv. Les propriétaires d'un logement à qui elle a cédé le titre du logement.

(2) L'article 1 du Règlement est modifié par adjonction des dispositions suivantes :

- 11.1 La personne inscrite à titre de vendeur ou de constructeur d'un logement dont la date de prise de possession tombe le 1^{er} octobre 2003 ou par la suite mène gratuitement une inspection préalable à la prise de possession soit avec l'acheteur ou son délégué, soit avec les deux, au plus tard à la date de prise de possession.
- 11.2 La personne inscrite à titre de vendeur ou de constructeur d'un logement qui fait l'objet d'une convention d'achat ou d'un contrat de construction conclu le 1^{er} octobre 2003 ou par la suite y inclut une disposition selon laquelle les parties conviennent que la personne inscrite et soit l'acheteur ou son délégué, soit les deux, se rencontrent au logement et mènent l'inspection préalable à la prise de possession visée à la disposition 11.1 au plus tard à la date de prise de possession.
- 11.3 La personne inscrite à titre de vendeur ou de constructeur d'un logement qui fait l'objet d'une convention d'achat ou d'un contrat de construction conclu le 1^{er} octobre 2003 ou par la suite y inclut une disposition qui précise ce qui suit :
 - i. la personne inscrite remet à l'acheteur, au plus tard à la date de l'inspection préalable à la prise de possession visée à la disposition 11.1, la version la plus récente, pour les propriétés franches ou les condominiums, selon le cas, du document intitulé *Homeowner Information Package* publié par la Société;
 - ii. il est également possible de se procurer le document intitulé *Homeowner Information Package* auprès de la Société.
- 11.4 À la demande du registrateur, la personne inscrite participe à la formation ou suit les cours qu'il exige en se fondant sur des motifs raisonnables.

Adopté par les administrateurs le 10 juin 2003.

ONTARIO NEW HOME WARRANTY PROGRAM:

AL LIBFELD
Président

HARRY HERSKOWITZ
Secrétaire

Ratifié par les membres conformément à la *Loi sur les personnes morales* le 10 juin 2003.

HARRY HERSKOWITZ
Secrétaire

33/03

ONTARIO REGULATION 322/03

made under the

EDUCATION ACT

Made: July 24, 2003
Filed: July 29, 2003

Amending O. Reg. 521/01
(Collection of Personal Information)

Note: Ontario Regulation 521/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Paragraph 2 of subsection 2 (2) of Ontario Regulation 521/01 is amended by striking out "July" and substituting "December".

(2) Paragraph 4.1 of subsection 2 (2) of the Regulation is revoked and the following substituted:

4.1 If the individual became a service provider in respect of the board before December 31, 2003, the board shall collect,

- i. a criminal background check in respect of the individual by December 31, 2003 if the individual is a service provider at a school site of the board after that day, and
- ii. an offence declaration from the individual by September 1 of each year in which the individual is a service provider at a school site of the board after that day, commencing in 2004.

(3) Paragraph 6 of subsection 2 (2) of the Regulation is amended by striking out "July" and substituting "December".

Made by:

ELIZABETH WITMER
Minister of Education

Date made: July 24, 2003.

RÈGLEMENT DE L'ONTARIO 322/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 24 juillet 2003
déposé le 29 juillet 2003

modifiant le Règl. de l'Ont. 521/01
(Collecte de renseignements personnels)

Remarque : Le Règlement de l'Ontario 521/01 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. (1) La disposition 2 du paragraphe 2 (2) du Règlement de l'Ontario 521/01 est modifiée par substitution de «décembre» à «juillet».

(2) La disposition 4.1 du paragraphe 2 (2) du Règlement est abrogée et remplacée par ce qui suit :

4.1 Si le particulier est devenu un fournisseur de services à l'égard du conseil avant le 31 décembre 2003, le conseil obtient les documents suivants :

- i. un relevé des antécédents criminels relatifs au particulier au plus tard le 31 décembre 2003 si le particulier est un fournisseur de services dans un emplacement scolaire du conseil après cette date,
- ii. une déclaration d'infraction du particulier au plus tard le 1^{er} septembre de chaque année pendant laquelle le particulier est un fournisseur de services dans un emplacement scolaire du conseil après cette date, à compter de 2004.

(3) La disposition 6 du paragraphe 2 (2) du Règlement est modifiée par substitution de «décembre» à «juillet».

Pris par :

ELIZABETH WITMER
Ministre de l'Éducation

Pris le : 24 juillet 2003.

33/03

ONTARIO REGULATION 323/03

made under the

ONTARIO COLLEGES OF APPLIED ARTS AND TECHNOLOGY ACT, 2002

Made: July 24, 2003
Filed: July 29, 2003

Amending O. Reg. 117/03

(Winding-up of the Collège d'arts appliqués et de technologie des Grands Lacs)

Note: Ontario Regulation 117/03 has not previously been amended.

1. Ontario Regulation 117/03 is amended by adding the following section:

Composition of board of governors

1.1 (1) Despite section 4 of Ontario Regulation 34/03, the composition and appointment of the members of the board of governors of the Collège d'arts appliqués et de technologie des Grands Lacs shall not be in accordance with that section but shall be in accordance with this section.

(2) The board of governors of the college shall be composed of no less than three and no more than five members, including the president if there is a president holding office.

(4) All the members of the board, except the president of the college, shall be appointed by the College Compensation and Appointments Council.

(5) The members of the board appointed by the College Compensation and Appointments Council shall hold office beginning on such date and for such term as may be specified in the appointment and may be reappointed for successive terms by the Council.

(6) No member of the board appointed by the College Compensation and Appointments Council shall be an employee or a student or a spouse or same-sex partner of an employee or student of a college of applied arts and technology.

(7) For purposes of subsection (6),

“same-sex partner” means a same-sex partner within the meaning of section 29 of the *Family Law Act*; (“partenaire de même sexe”)

“spouse” means a spouse within the meaning of section 29 of the *Family Law Act*. (“conjoint”)

(8) Despite anything in this section, any person who was a member of the board immediately before the day this Regulation comes into force shall continue as a member of the board on and after the day this Regulation comes into force and, despite anything in section 4 of Ontario Regulation 34/03, shall do so until such time as the Council makes its first appointment under this section.

RÈGLEMENT DE L'ONTARIO 323/03

pris en application de la

LOI DE 2002 SUR LES COLLÈGES D'ARTS APPLIQUÉS ET DE TECHNOLOGIE DE L'ONTARIO

pris le 24 juillet 2003
déposé le 29 juillet 2003

modifiant le Règl. de l'Ont. 117/03

(Liquidation du Collège d'arts appliqués et de technologie des Grands Lacs)

Remarque : Le Règlement de l'Ontario 117/03 n'a pas été modifié antérieurement.

1. Le Règlement de l'Ontario 117/03 est modifié par adjonction de l'article suivant :

Composition du conseil d'administration

1.1 (1) Malgré l'article 4 du Règlement de l'Ontario 34/03, la composition du conseil d'administration du Collège d'arts appliqués et de technologie des Grands Lacs et la nomination de ses membres sont conformes au présent article, et non à cet article-là.

(2) Le conseil d'administration du collège se compose de trois à cinq membres, dont le président, s'il y en a un qui est en fonction.

(3) Le président du collège est membre d'office du conseil et a voix délibérative.

(4) Tous les membres du conseil d'administration, à l'exception du président du collège, sont nommés par le Conseil de la rémunération et des nominations dans les collèges.

(5) Les membres du conseil d'administration qui sont nommés par le Conseil de la rémunération et des nominations dans les collèges exercent leurs fonctions à compter de la date et pour le mandat que précise leur nomination. Le Conseil peut renouveler leur mandat.

(6) Nul membre du conseil d'administration qui est nommé par le Conseil de la rémunération et des nominations dans les collèges ne peut être un employé, un étudiant ou le conjoint ou partenaire de même sexe d'un employé ou d'un étudiant d'un collège d'arts appliqués et de technologie.

(7) Les définitions qui suivent s'appliquent au paragraphe (6).

«conjoint» S'entend au sens de l'article 29 de la *Loi sur le droit de la famille*. («spouse»)

«partenaire de même sexe» S'entend au sens de l'article 29 de la *Loi sur le droit de la famille*. («same-sex partner»)

(8) Malgré les dispositions du présent article, quiconque était membre du conseil d'administration immédiatement avant le jour de l'entrée en vigueur du présent règlement continue d'en être membre le jour de cette entrée en vigueur et après ce jour et, malgré toute disposition de l'article 4 du Règlement de l'Ontario 34/03, il le demeure jusqu'à ce que le Conseil fasse sa première nomination en vertu du présent article.

33/03

ONTARIO REGULATION 324/03
made under the
UNIVERSITY FOUNDATIONS ACT, 1992

Made: July 24, 2003
Filed: July 30, 2003

Amending O. Reg. 731/93
(General)

Note: Ontario Regulation 731/93 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 2 of Ontario Regulation 731/93 is revoked.
2. Items 3.0.1, 3.2, 4.1, 4.2, 7, 8, 9 and 10 of the Table to the Regulation are revoked.

33/03

ONTARIO REGULATION 325/03
made under the
CROWN FOUNDATIONS ACT, 1996

Made: July 24, 2003
Filed: July 30, 2003

DISSOLUTION OF CIAR FOUNDATION

Dissolution of foundation

1. The crown foundation established by order of the Lieutenant Governor in Council under section 2 of the Act and known as the "CIAR" foundation is hereby dissolved.

Transfer of assets

2. Upon the dissolution of the "CIAR" foundation under section 1, the assets of the foundation become the assets of the Canadian Institute for Advanced Research.

33/03

made under the
ENVIRONMENTAL PROTECTION ACT

Made: July 24, 2003
Filed: August 1, 2003

Amending Reg. 347 of R.R.O. 1990
(General — Waste Management)

Note: Regulation 347 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Regulation 347 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

14.2 (1) Subject to subsection (3), no person shall cause or permit waste from a portable toilet to be applied to land or otherwise deposited at a site except,

- (a) at a waste disposal site that has been issued a certificate of approval or provisional certificate of approval permitting the temporary storage of hauled sewage and from which the hauled sewage is not subsequently removed and disposed of except in accordance with this section;
- (b) at a waste disposal site that has been issued a certificate of approval or provisional certificate of approval permitting the disposal of hauled sewage for drying and requiring the dried residue to be periodically removed and disposed of at a waste disposal site approved to accept the dried residue;
- (c) at a landfilling site that has been issued a certificate of approval or provisional certificate of approval for the final disposal of hauled sewage;
- (d) at a sewage works that has been approved under section 53 of the *Ontario Water Resources Act* to receive sanitary sewage or hauled sewage; or
- (e) at a site that has been issued a certificate of approval or provisional certificate of approval permitting the processing of waste and that processes waste in a manner that ensures that the waste meets all of the following requirements after it has been processed:
 - (i) the concentration of *Escherichia coli* (E. coli) in the waste is not more than 2×10^6 colony forming units per gram of total solids (dry weight),
 - (ii) the concentration in the waste of each metal listed in the Table to this section is not more than the maximum concentration set out for that metal in the Table,
 - (iii) the pH value of the waste is not less than 6.0,
 - (iv) the waste has been passed through a screen and contains no more than 0.5 per cent dry weight of plastic objects and no more than 2 per cent dry weight of other non-biodegradable objects, including, but not limited to, glass and metal objects.

(2) Subsection (1) applies despite anything contained in a certificate of approval or a provisional certificate of approval that was issued before this section comes into force.

(3) No person shall cause or permit waste from a portable toilet to be disposed of at an organic soil conditioning site unless,

- (a) the organic soil conditioning site has been issued a certificate of approval or provisional certificate of approval permitting the spreading or application of treated waste from a portable toilet;
- (b) the waste has been treated so that the concentration of *Escherichia coli* (E. coli) is not more than 2×10^6 colony forming units per gram of total solids (dry weight);
- (c) the concentration in the waste of each metal listed in the Table to this section is not more than the maximum concentration set out for that metal in the Table;
- (d) the pH value of the treated waste is not less than 6.0; and
- (e) the waste has been passed through a screen and contains no more than 0.5 per cent dry weight of plastic objects and no more than 2 per cent dry weight of other non-biodegradable objects, including, but not limited to, glass and metal objects.

TABLE

Item	Metal	Maximum Permissible Concentration (In Mg/Kg Of Solids, Dry Weight)
1.	Arsenic	170
2.	Cadmium	34
3.	Cobalt	340
4.	Chromium	2,800
5.	Copper	1,700
6.	Mercury	11
7.	Molybdenum	94
8.	Nickel	420
9.	Lead	1,100
10.	Selenium	34
11.	Zinc	4,200

2. This Regulation comes into force 90 days after it is filed.

33/03

ONTARIO REGULATION 327/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: July 24, 2003

Filed: August 1, 2003

Amending O. Reg. 161/99

(Definitions and Exemptions)

Note: Ontario Regulation 161/99 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsections 1 (2) and (3) of Ontario Regulation 161/99 are revoked.

2. This Regulation comes into force on the later of August 1, 2003 and the day this Regulation is filed.

33/03

ONTARIO REGULATION 328/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: July 24, 2003

Filed: August 1, 2003

GENERAL

Definition of "low-volume consumer"

1. The amount of gas referred to in the definition of "low-volume consumer" in section 47 of the Act is 50,000 cubic metres.

Codes issued by Board

2. The Standard Supply Service Code issued by the Board is a prescribed document for the purposes of subsection 70.1 (7) of the Act.

3
The amount for the projected cost of a proposed hydrocarbon line for the purposes of clause 90 (1) (b) of the Act is \$2 million.

Transition

4. Despite the revocation of Regulation 869 of the Revised Regulations of Ontario, 1990, any exemption made in that regulation continues according to the terms set out in that regulation as they read on the day before the day this Regulation is filed.

Revocation

5. Regulation 869 of the Revised Regulations of Ontario, 1990 is revoked.

Commencement

6. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Sections 2 and 3 comes into force on the later of August 1, 2003 and the day this Regulation is filed.

33/03

ONTARIO REGULATION 329/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: July 24, 2003
Filed: August 1, 2003

Revoking O. Reg. 624/98
(Gas Marketing)

1. Ontario Regulation 624/98 is revoked.

2. This Regulation comes into force on the later of August 1, 2003 and the day this Regulation is filed.

33/03

ONTARIO REGULATION 330/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: July 24, 2003
Filed: August 1, 2003

Amending O. Reg. 200/02
(Consumer Protection)

Note: Ontario Regulation 200/02 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsection 5 (2) of Ontario Regulation 200/02 is amended by striking out "the 31st day" and substituting "the 61st day".

2. Paragraph 4 of subsection 6 (2.1) of the Regulation is revoked and the following substituted:

4. Despite the renewal or extension of the contract under paragraph 3, a consumer may give written notice of cancellation of the contract within 35 days after the day on which the first bill under the renewed or extended contract is sent.

3. Paragraph 8 of subsection 7 (1) of the Regulation is revoked and the following substituted:

8. A statement, in not less than 12 point bold type, that the contract ceases to have effect unless it is reaffirmed by the consumer in accordance with section 88.9 of the *Ontario Energy Board Act, 1998* before the 61st day following the day on which the written copy of the contract is delivered to the consumer, unless subsections 88.9 (3) to (6) and clauses 88.9 (10) (b) and (c) of the Act do not apply to the contract pursuant to subsection 88.9 (16) of the Act.

4. Subsection 9 (2) of the Regulation is revoked and the following substituted:

(2) Despite subsection (1), the Board may authorize the distributor to read the consumer's electricity meter within a period specified by the Board that ends more than 45 days after the notice of cancellation was given if the Board is satisfied that it is not reasonably possible for the distributor to read the meter within the time period set out in subsection (1).

5. Section 10 of the Regulation is revoked.

6. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Sections 1, 3, 4 and 5 come into force on the later of August 1, 2003 and the day this Regulation is filed.

33/03

ONTARIO REGULATION 331/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: July 24, 2003
Filed: August 1, 2003

ADMINISTRATIVE PENALTIES

Amount of administrative penalty

1. For the purposes of section 112.5 of the Act, the Board shall determine the amount of an administrative penalty for a contravention of an enforceable provision in accordance with the following rules:

1. The Board shall determine whether, in its opinion, the contravention was a major, moderate or minor deviation from the requirements of the enforceable provision.
2. The Board shall determine whether, in its opinion, the contravention had a major, moderate or minor potential to adversely affect consumers, persons licensed under the Act or other persons.
3. Using the Schedule, the Board shall determine the appropriate range for the administrative penalty, based on the determinations made under paragraphs 1 and 2.
4. The amount of the administrative penalty for the contravention is, for each day or part of a day on which the contravention occurred or continued, an amount selected by the Board from within the range determined under paragraph 3 after considering the following criteria:
 - i. The extent to which adverse effects of the contravention have been mitigated by the person who committed the contravention.
 - ii. Whether the person who committed the contravention has previously contravened any enforceable provision.
 - iii. Whether the person who committed the contravention derived any economic benefit from the contravention.
 - iv. Any other criteria that the Board considers relevant.

Revocation

2. Ontario Regulation 363/01 is revoked.

Commencement

3. This Regulation comes into force on the later of August 1, 2003 and the day this Regulation is filed.

(See paragraph 3 of section 1)

		Deviation from the requirements of the enforceable provision that was contravened (see paragraph 1 of section 1)		
		Major	Moderate	Minor
Potential to adversely affect consumers, persons licensed under the Act or other persons (see paragraph 2 of section 1)	Major	\$15,000 - \$20,000	\$10,000 - \$15,000	\$5,000 - \$10,000
	Moderate	\$10,000 - \$15,000	\$5,000 - \$10,000	\$2,000 - \$5,000
	Minor	\$5,000 - \$10,000	\$2,000 - \$5,000	\$1,000 - \$2,000

33/03

ONTARIO REGULATION 332/03

made under the

ELECTRICITY ACT, 1998

Made: July 24, 2003

Filed: August 1, 2003

Amending O. Reg. 114/03
(Corridor Land)

Note: Ontario Regulation 114/03 has not previously been amended.

1. Ontario Regulation 114/03 is amended by adding the following section:

Notice of cessation of use for transmission system, etc.

0.1 (1) A notice required by subsection 114.10 (2) of the Act must contain a registrable description of the corridor land to which the notice relates.

(2) The notice required by subsection 114.10 (2) of the Act may be given to the Chair of Management Board by delivering it to a lawyer employed in the Legal Services Branch of Management Board Secretariat.

33/03



Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—08—23

ONTARIO REGULATION 333/03

made under the

RETAIL SALES TAX ACT

Made: August 5, 2003

Filed: August 7, 2003

Amending Reg. 1012 of R.R.O. 1990
(Definitions, Exemptions and Rebates)

Note: Regulation 1012 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsection 3.1.1 (2) of Regulation 1012 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(2) The provision of a telecommunications device to a person (the “recipient”) at less than full fair value is excluded from the application of the definition of “promotional distribution” if all of the following criteria are met:

1. The telecommunications device is provided to the recipient on or after December 18, 1997.
2. Tax is or will be paid on any fair value paid at the time of retail sale.
3. The telecommunications device cannot be used to access services of a person other than the person (the “service provider”) who provided it or caused it to be provided to the recipient at less than full fair value.
4. The services of the service provider that can be accessed by using the telecommunications device include taxable services.
5. The service provider has the reasonable expectation that the revenue he, she or it receives from all taxable services described in paragraph 4 will equal or exceed the sum of,
 - i. the cost of all taxable services described in paragraph 4, and
 - ii. the amount by which the full fair value of all of the telecommunications devices described in paragraph 3 exceeds the amount, if any, that the recipients pay for them.

(3) In this section,

“telecommunications device” means a cellular telephone or device with cellular telephone capabilities, a one-way pager, a digital satellite television device or a digital cable television device.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: August 5, 2003.

34/03

ONTARIO REGULATION 334/03

made under the

ONTARIO DRUG BENEFIT ACT

Made: August 6, 2003

Filed: August 8, 2003

Amending O. Reg. 201/96

(General)

Note: Ontario Regulation 201/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. The definition of “Formulary” in subsection 1 (1) of Ontario Regulation 201/96 is revoked and the following substituted:

“Formulary” means the Ministry of Health and Long-Term Care publication titled “Drug Benefit Formulary/Comparative Drug Index” (No. 38) dated January 30, 2003, and includes the following amendments to the publication:

1. Amendments dated April 16, 2003.
2. Amendments dated September 4, 2003;

2. This Regulation comes into force on September 4, 2003.

34/03

ONTARIO REGULATION 335/03

made under the

DRUG INTERCHANGEABILITY AND DISPENSING FEE ACT

Made: August 6, 2003

Filed: August 8, 2003

Amending Reg. 935 of R.R.O. 1990

(General)

Note: Regulation 935 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. The definition of “Formulary” in subsection 1 (1) of Regulation 935 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

“Formulary” means the Ministry of Health and Long-Term Care publication titled “Drug Benefit Formulary/Comparative Drug Index” (No. 38) dated January 30, 2003, and includes the following amendments to the publication:

1. Amendments dated April 16, 2003.
2. Amendments dated September 4, 2003;

2. This Regulation comes into force on September 4, 2003.

34/03

made under the
COMMUNITY PSYCHIATRIC HOSPITALS ACT

Made: August 6, 2003
Filed: August 8, 2003

Amending Reg. 92 of R.R.O. 1990
(Grants)

Note: Regulation 92 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsections 7 (2), (3) and (4) of the French version of Regulation 92 of the Revised Regulations of Ontario, 1990 are revoked.
2. Forms 1, 2 and 3 of the French version of the Regulation are revoked.

RÈGLEMENT DE L'ONTARIO 336/03
pris en application de la
LOI SUR LES HÔPITAUX PSYCHIATRIQUES COMMUNAUTAIRES

pris le 6 août 2003
déposé le 8 août 2003

modifiant le Règl. 92 des R.R.O. de 1990
(Subventions)

Remarque : Le Règlement 92 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. Les paragraphes 7 (2), (3) et (4) de la version française du Règlement 92 des Règlements refondus de l'Ontario de 1990 sont abrogés.
2. Les formules 1, 2 et 3 de la version française du Règlement sont abrogées.

34/03

ONTARIO REGULATION 337/03
made under the
DRUG INTERCHANGEABILITY AND DISPENSING FEE ACT

Made: August 6, 2003
Filed: August 8, 2003

Amending Reg. 935 of R.R.O. 1990
(General)

Note: Regulation 935 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Clause 6 (1) (b) of Regulation 935 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

- (b) a letter authorizing the Minister to gain access to all information with respect to the product in the possession of Health Canada, the government of any province or territory in Canada or the Canadian Coordinating Office of Health Technology Assessment and authorizing the Minister to disclose any information with respect to the product in the possession of the Ministry to Health Canada, the government of a province or territory in Canada or the Canadian Coordinating Office of Health Technology Assessment;

(2) Subsection 6 (7) of the Regulation is revoked and the following substituted:

(7) Clauses (1) (c) and (h) do not apply to a product that is a solid oral dosage form for systemic effect and that has been designated by Health Canada as equivalent to the original product or to another listed interchangeable product with which it will be designated as interchangeable.

2. This Regulation comes into force on September 4, 2003.

34/03

ONTARIO REGULATION 338/03

made under the

ONTARIO DRUG BENEFIT ACT

Made: August 6, 2003

Filed: August 8, 2003

Amending O. Reg. 201/96
(General)

Note: Ontario Regulation 201/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Clause 12 (1) (b) of Ontario Regulation 201/96 is revoked and the following substituted:

- (b) a letter authorizing the Minister to gain access to all information with respect to the product in the possession of Health Canada, the Patented Medicine Prices Review Board established under section 91 of the *Patent Act* (Canada), the government of any province or territory in Canada or the Canadian Coordinating Office of Health Technology Assessment and authorizing the Minister to disclose any information with respect to the product in the possession of the Ministry to Health Canada, the Patented Medicine Prices Review Board, the government of a province or territory in Canada or the Canadian Coordinating Office of Health Technology Assessment;

2. This Regulation comes into force on September 4, 2003.

34/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—08—30

ONTARIO REGULATION 339/03

made under the

PLANNING ACT

Made: August 8, 2003

Filed: August 11, 2003

Amending O. Reg. 104/72

(Restricted Areas — Regional Municipality of York — Town of Markham)

Note: Ontario Regulation 104/72 has previously been amended. Those amendments are listed in the Statutes of Ontario, 1980 and 1991 and in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Ontario Regulation 104/72 is amended by adding the following section:

80. (1) Despite section 4, every use of land and every erection or use of buildings or structures is prohibited except a barn, together with accessory buildings and structures, which may be erected, located and used on the land described in subsection (3).

(2) Despite section 5, the requirements for the barn together with accessory buildings and structures as permitted by subsection (1) are as follows:

Minimum Lot Frontage	76.5 metres
Minimum Lot Area	3.06 hectares
Minimum Setback from Front Lot Line	7.5 metres
Minimum Setback from Side Lot Lines	6 metres
Minimum Setback from Rear Lot Line	7.5 metres

(3) Subsections (1) and (2) apply to the land in the Town of Markham in The Regional Municipality of York, being that part of Lot 20 in Concession 8, further described as Property Identifier Number 03061-0087(LT) and registered in the Land Registry Office for the Land Titles Division of York (No. 65).

Made by:

VICTOR DOYLE

Manager

Municipal Services Office — Central Ontario
Ministry of Municipal Affairs and Housing

Date made: August 8, 2003.

35/03

ONTARIO REGULATION 340/03

made under the

INCOME TAX ACT

Made: August 9, 2003

Filed: August 11, 2003

Amending O. Reg. 498/01

(Equity in Education Tax Credit)

Note: Ontario Regulation 498/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Section 4 of Ontario Regulation 498/01 is amended by adding the following subsection:

(4.1) Despite subsection (1), where a school has failed to provide the information by February 28, 2003 but gives an explanation for its failure to do so that the Minister is satisfied is reasonable, the school is an eligible independent school for the period beginning August 1, 2003 and ending on July 31, 2004,

- (a) if the school satisfies the conditions listed in subsection (1), with the modifications described in this subsection;
- (b) if the school satisfies the requirements of subsection (3), other than paragraph 5 of subsection (3); and
- (c) if, instead of complying with paragraph 5 of subsection (3) the school gives the Minister the required information that it proposes to give to parents and legal guardians, current to the date on which it is given to the Minister, no later than September 30, 2003.

(2) Subsection 4 (7) of the Regulation is amended by striking out “subsections (1), (4), (5) and (6)” and substituting “subsections (1), (4), (4.1), (5) and (6)”.

JANET LYNNE ECKER
Minister of Finance

Dated on August 9, 2003.

35/03

ONTARIO REGULATION 341/03

made under the

MUNICIPAL ELECTIONS ACT, 1996

Made: August 13, 2003

Filed: August 14, 2003

Amending O. Reg. 101/97

(General)

Note: Ontario Regulation 101/97 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Sections 7 to 12 of Ontario Regulation 101/97 are revoked and the following substituted:

7. A nomination under section 33 of the Act shall be in Form 1 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9499P/\\$File/9499P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9499P/$File/9499P.doc) and dated July, 2003.

8. A ballot under section 41 of the Act shall be in Form 2 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9500P/\\$File/9500P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9500P/$File/9500P.doc) and dated July,

9. An appointment of voting proxy, declaration of voting proxy, clerk's certificate and oath of voting proxy shall be in Form 3 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9502P/\\$File/9502P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9502P/$File/9502P.doc) and dated July, 2003.

10. A financial statement under section 78 of the Act that does not require an auditor's report shall be in Form 4 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9503P/\\$File/9503P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9503P/$File/9503P.doc) and dated July, 2003.

11. Where an auditor's report is required under section 78 of the Act, a financial statement and auditor's report shall be in Form 5 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9504P/\\$File/9504P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9504P/$File/9504P.doc) and dated July, 2003.

12. A notice of extension of campaign period under subsection 68 (1) of the Act shall be in Form 6 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10550P/\\$File/10550P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10550P/$File/10550P.doc) and dated July, 2003.

13. A notice of registration under section 39.1 of the Act shall be in Form 7 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10551P/\\$File/10551P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10551P/$File/10551P.doc) and dated July, 2003.

14. A financial statement under section 78 of the Act, as made applicable by section 82.1 of the Act, that does not require an auditor's report shall be in Form 8 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10552P/\\$File/10552P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10552P/$File/10552P.doc) and dated July, 2003.

15. Where an auditor's report is required under section 78 of the Act, as made applicable by section 82.1 of the Act, a financial statement and auditor's report shall be in Form 9 which is available at [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10553P/\\$File/10553P.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10553P/$File/10553P.doc) and dated July, 2003.

2. Forms 1, 2, 2.1 and 3 to 9 of the Regulation (as they read immediately before this Regulation came into force) are revoked.

Made by:

DAVID YOUNG
Minister of Municipal Affairs and Housing

Date made: August 13, 2003.

RÈGLEMENT DE L'ONTARIO 341/03

pris en application de la

LOI DE 1996 SUR LES ÉLECTIONS MUNICIPALES

pris le 13 août 2003
déposé le 14 août 2003

modifiant le Règl. de l'Ont. 101/97
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 101/97 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. Les articles 7 à 12 du Règlement de l'Ontario 101/97 sont abrogés et remplacés par ce qui suit :

7. La déclaration de candidature prévue à l'article 33 de la Loi est rédigée selon la formule 1, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9499PF/\\$File/9499PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9499PF/$File/9499PF.doc) et datée de juillet 2003.

8. Le bulletin de vote prévu à l'article 41 de la Loi est rédigé selon la formule 2, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9500PF/\\$File/9500PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9500PF/$File/9500PF.doc) et datée de juillet 2003 ou selon la formule 2.1, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9501PF/\\$File/9501PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9501PF/$File/9501PF.doc) et datée de juillet 2003, selon le cas.

9. La nomination d'un mandataire, la déclaration du mandataire, le certificat du secrétaire et le serment du mandataire sont rédigés selon la formule 3, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9502PF/\\$File/9502PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9502PF/$File/9502PF.doc) et datée de juillet 2003.

10. L'état financier prévu à l'article 78 de la Loi et pour lequel n'est exigé aucun rapport d'un vérificateur est rédigé selon la formule 4, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9503PF/\\$File/9503PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9503PF/$File/9503PF.doc) et datée de juillet 2003.

11. Si le rapport d'un vérificateur est exigé aux termes de l'article 78 de la Loi, l'état financier et le rapport du vérificateur sont rédigés selon la formule 5, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9504PF/\\$File/9504PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-9504PF/$File/9504PF.doc) et datée de juillet 2003.

12. L'avis de prolongation de la période de campagne prévu au paragraphe 68 (1) de la Loi est rédigé selon la formule 6, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10550PF/\\$File/10550PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10550PF/$File/10550PF.doc) et datée de juillet 2003.

13. L'avis d'inscription prévu à l'article 39.1 de la Loi est rédigé selon la formule 7, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10551PF/\\$File/10551PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10551PF/$File/10551PF.doc) et datée de juillet 2003.

14. L'état financier prévu à l'article 78 de la Loi, tel que l'article 82.1 de la Loi le rend applicable, et pour lequel n'est exigé aucun rapport d'un vérificateur est rédigé selon la formule 8, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10552PF/\\$File/10552PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10552PF/$File/10552PF.doc) et datée de juillet 2003.

15. Si le rapport d'un vérificateur est exigé aux termes de l'article 78 de la Loi, tel que l'article 82.1 de la Loi le rend applicable, l'état financier et le rapport du vérificateur sont rédigés selon la formule 9, qui est accessible sur le site [www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10553PF/\\$File/10553PF.doc](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/FormsRepository.nsf/Forms/MAH-017-10553PF/$File/10553PF.doc) et datée de juillet 2003.

2. Les formules 1, 2, 2.1 et 3 à 9 du Règlement (telles qu'elles existent immédiatement avant l'entrée en vigueur du présent règlement) sont abrogées.

Pris par :

DAVID YOUNG
Ministre des Affaires Municipales et du Logement

Pris le : 13 août 2003.

35/03

ONTARIO REGULATION 342/03

made under the

TENANT PROTECTION ACT, 1997

Made: July 24, 2003
Filed: August 18, 2003

TABLE OF OPERATING COST CATEGORIES FOR 2004

1. The Table referred to in subsection 129 (2) of the Act is the following for the year 2004:

Column 1	Column 2	Column 3
Operating Cost Category	Three-year Moving Average (%)	Weight (%)
Insurance	4.33	5.16
Heating	3.02	23.37
Hydro	1.45	7.34
Water	3.47	3.70
Municipal Taxes and Charges	0.68	27.69
Administration	1.13	15.55
Maintenance	1.14	15.09
Miscellaneous	1.13	2.10

RÈGLEMENT DE L'ONTARIO 342/03

pris en application de la

LOI DE 1997 SUR LA PROTECTION DES LOCATAIRES

pris le 24 juillet 2003
déposé le 18 août 2003

BARÈME DES CATÉGORIES DE FRAIS D'EXPLOITATION POUR 2004

1. Le barème visé au paragraphe 129 (2) de la Loi est le suivant pour 2004 :

BARÈME POUR 2004

Colonne 1	Colonne 2	Colonne 3
Catégorie de frais d'exploitation	Moyenne mobile de trois ans (%)	Facteur de pondération (%)
Assurance	4,33	5,16
Chauffage	3,02	23,37
Électricité	1,45	7,34
Eau	3,47	3,70
Redevances et impôts municipaux	0,68	27,69
Administration	1,13	15,55
Entretien	1,14	15,09
Divers	1,13	2,10



Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—09—06

ONTARIO REGULATION 343/03

made under the

HIGHWAY TRAFFIC ACT

Made: August 21, 2003

Filed: August 21, 2003

EXTENDING TIME PERIODS IN ONTARIO REGULATION 340/94 RELATING TO DRIVERS' LICENCES

References are to O. Reg. 340/94

1. In this Regulation, a reference to a provision is a reference to a provision of Ontario Regulation 340/94.

Drivers' licences extended

2. The term of validity of a driver's licence is extended beyond the expiry date shown on the driver's licence until the day this Regulation is revoked if, without the extension, the term of validity would expire on or after August 14, 2003.

Certificates of driver improvement course extended

3. Despite subsection 13 (1), the period of five years referred to in that subsection is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after August 14, 2003.

Certificates of driver education or motorcycle safety course extended

4. Despite subsections 28 (9) and (10), the term of validity of a certificate referred to in those subsections is extended until the day this Regulation is revoked if, without the extension, the term of validity would expire, to the detriment of an applicant, on or after August 14, 2003.

Previous licence period extended

5. (1) Despite subclauses 29 (1) (a) (i) and (ii), the periods of three years and one year respectively that are referred to in those subclauses are extended until the day this Regulation is revoked if, without the extension, the period of three years or one year, as the case may be, would expire, to the detriment of an applicant, on or after August 14, 2003.

- (2) Despite clause 29 (1) (b), the period of three years referred to in that clause is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after August 14, 2003.

- (3) Despite subclauses 29 (2) (a) (i) and (ii), the periods of three years and one year respectively that are referred to in those subclauses are extended until the day this Regulation is revoked if, without the extension, the period of three years or one year, as the case may be, would expire, to the detriment of an applicant, on or after August 14, 2003.

- (4) Despite clause 29 (2) (b), the period of three years referred to in that clause is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after August 14, 2003.

- (5) Despite subsections 29 (7), (9) and (10), the period of three years referred to in those subsections is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after August 14, 2003.

Time to notify Ministry of changes extended

6. Despite subsections 33 (1) and (2), the period of six days referred to in those subsections is extended until the day this Regulation is revoked if, without the extension, that period would expire on or after August 14, 2003.

36/03

ONTARIO REGULATION 344/03

made under the

HIGHWAY TRAFFIC ACT

Made: August 21, 2003

Filed: August 21, 2003

EXTENDING TERM OF VALIDITY OF DRIVING INSTRUCTORS' LICENCES

Driving instructor's licence extended

1. (1) Despite subsection 8 (1) of Regulation 586 of the Revised Regulations of Ontario, 1990, the term of validity of a driving instructor's licence is extended until the day this Regulation is revoked if, without the extension, the term of validity would expire under that subsection on or after August 14, 2003.

(2) A driving instructor's licence whose term of validity is extended under subsection (1) is not renewable unless the licence is renewed within one year of the expiry date referred to in subsection 8 (1) of Regulation 586 of the Revised Regulations of Ontario, 1990.

36/03

ONTARIO REGULATION 345/03

made under the

HIGHWAY TRAFFIC ACT

Made: August 21, 2003

Filed: August 21, 2003

**EXTENDING TERM OF VALIDITY OF VEHICLE PERMITS
TO WHICH SUBSECTION 5 (1) OF REGULATION 628 APPLIES**

Term extended

1. Despite subsection 5 (1) of Regulation 628 of the Revised Regulations of Ontario, 1990, but subject to subsection 4 (4) of that Regulation, the term of validity of a commercial motor vehicle permit to which subsection 5 (1) applies is extended until the day this Regulation is revoked if, without the extension, the permit would cease to be currently validated under that subsection on or after August 14, 2003.

36/03

made under the
HIGHWAY TRAFFIC ACT

Made: August 21, 2003
Filed: August 21, 2003

EXTENDING TERM OF VALIDITY OF VEHICLE PERMITS

Motor vehicle permits extended

1. Despite subsection 4 (1) of Regulation 628 of the Revised Regulations of Ontario, 1990, the term of validity of a motor vehicle permit is extended until the day this Regulation is revoked if, without the extension, the permit would cease to be currently validated under that subsection on or after August 14, 2003.

Commercial motor vehicle permits extended

2. Despite subsection 5 (1) of Regulation 628 of the Revised Regulations of Ontario, 1990, the term of validity of a commercial motor vehicle permit is extended until the day this Regulation is revoked if, without the extension, the permit would cease to be currently validated under that subsection on or after August 14, 2003.

Temporary permits extended

3. Despite subsection 11 (1) of Regulation 628 of the Revised Regulations of Ontario, 1990, a Temporary permit that is issued on or after August 14, 2003 is valid until the day this Regulation is revoked.

36/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—09—13

ONTARIO REGULATION 347/03

made under the

ASSESSMENT ACT

Made: August 13, 2003

Filed: August 25, 2003

Printed in *The Ontario Gazette*: September 13, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 292/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsection 20 (3) of Ontario Regulation 282/98 is revoked and the following substituted:

(3) The subclass for vacant land for the industrial property class consists of the following land in the industrial property class:

1. Vacant land.
2. Subject to subsection (4), land used for a mine tailings management area pursuant to,
 - i. a closure plan for a mine under the *Mining Act*, or
 - ii. a licence to decommission a mine under the *Nuclear Safety and Control Act* (Canada), in the case of a uranium mine.

(4) Despite subsection (3), land described in paragraph 2 of that subsection is included in the subclass for vacant land for the industrial property class,

- (a) only for 2004 and subsequent years; and
- (b) only if all mining activity at the mine has permanently ceased.

2. The Regulation is amended by adding the following section:

MINE TAILINGS MANAGEMENT AREA

43.1 For 2004 and subsequent years, the current value of land used as a mine tailings management area that is included in the subclass for vacant land for the industrial property class under subsection 20 (3) shall be determined without regard to the value of structures, machinery or fixtures erected or placed on the land for the purposes of environmental protection or pollution control.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: August 13, 2003.

37/03

ONTARIO REGULATION 348/03

made under the

ASSESSMENT ACT

Made: August 13, 2003

Filed: August 25, 2003

Printed in *The Ontario Gazette*: September 13, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsection 17 (2) of Ontario Regulation 282/98 is revoked and the following substituted:

(2) In this section,

“hotel” means,

(a) a hotel as defined in the *Hotel Registration of Guests Act*, or

(b) land,

(i) that would otherwise be in the multi-residential property class or new multi-residential property class or that is a unit as defined in the *Condominium Act, 1998*, and

(ii) that contains one or more furnished, self-contained units operated or managed in a manner to provide transient living accommodation for a fee or charge for a minimum period of less than 30 days.

(3) Clause (2) (b) applies for 2004 and subsequent years.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: August 13, 2003.

37/03

ONTARIO REGULATION 349/03

made under the

ASSESSMENT ACT

Made: August 13, 2003

Filed: August 25, 2003

Printed in *The Ontario Gazette*: September 13, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 13 of Ontario Regulation 282/98 is amended by adding the following subsection:

(4) For 2004 and subsequent years, a “railyard” mentioned in paragraph 3 of subsection (2) includes the following land, but does not include buildings or structures on the land:

2. Land used in the loading, unloading and temporary holding of railway rolling stock or freight carried on a railway vehicle.

2. Section 20 of the Regulation is amended by adding the following subsection:

(5) For 2004 and subsequent years, a "railyard" mentioned in paragraph 2 of subsection (2) includes the following land, but does not include buildings or structures on the land:

1. Land used for marshalling railway rolling stock.
2. Land used in the loading, unloading and temporary holding of railway rolling stock or freight carried on a railway vehicle.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: August 13, 2003.

37/03

ONTARIO REGULATION 350/03

made under the

HEALTH INSURANCE ACT

Made: August 21, 2003

Filed: August 25, 2003

Printed in *The Ontario Gazette*: September 13, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Regulation 552 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. The definition of "schedule of benefits" in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

2. Amendments dated September 1, 2003.

2. Ontario Regulation 179/03 is revoked.

3. This Regulation comes into force on September 1, 2003.

37/03

ONTARIO REGULATION 351/03

made under the

HIGHWAY TRAFFIC ACT

Made: August 6, 2003

Filed: August 26, 2003

Printed in *The Ontario Gazette*: September 13, 2003

Amending Reg. 619 of R.R.O. 1990
(Speed Limits)

Note: Regulation 619 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>

1. (1) Paragraphs 16 and 17 of Part 2 of Schedule 21 to Regulation 619 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

District of Algoma — Town of Bruce Mines
Twp. of Johnson

16. That part of the King's Highway known as No. 17 in the Territorial District of Algoma lying between a point situate 400 metres measured westerly from its intersection with the easterly limit of the road allowance for Palmer Street in the Town of Bruce Mines and a point situate 550 metres measured easterly from its intersection with the roadway known as Lake Huron Drive in the hamlet of Desbarats in the Township of Johnson.

District of Algoma — Twps. of Johnson and MacDonald

17. That part of the King's Highway known as No. 17 in the Territorial District of Algoma lying between a point situate 620 metres measured westerly from its intersection with the roadway known as Kensington Road in the hamlet of Desbarats in the Township of Johnson and a point situate 790 metres measured southerly from its intersection with the King's Highway known as No. 638 and the roadway known as Church Street in the Township of MacDonald.

(2) Paragraph 10 of Part 3 of Schedule 21 to the Regulation is revoked.

(3) Paragraph 33 of Part 4 of Schedule 21 to the Regulation is revoked and the following substituted:

District of Algoma — Twp. of Johnson

33. That part of the King's Highway known as No. 17 in the hamlet of Desbarats in the Township of Johnson in the Territorial District of Algoma lying between a point situate 550 metres measured easterly from its intersection with the roadway known as Lake Huron Drive and a point situate 620 metres measured westerly from its intersection with the roadway known as Kensington Road.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: August 6, 2003.

37/03

made under the

IMPROVING CUSTOMER SERVICE FOR ROAD USERS ACT, 2001

Made: June 25, 2003

Filed: August 28, 2003

Printed in *The Ontario Gazette*: September 13, 2003

DELEGATION OF POWERS, DUTIES AND RESPONSIBILITIES

Delegation

1. (1) The powers, duties and responsibilities in the following provisions are to be delegated by delegation agreement to Serco DES Inc.:

1. Subsection 32 (4), clause 32 (12) (a) and subclause 32 (12) (b) (i) of the *Highway Traffic Act*.
2. Subsections 24 (1), (2), (3), (4), 29 (10) and section 30 of Ontario Regulation 340/94 made under the *Highway Traffic Act* (Drivers' Licences).
3. Clause 3 (1) (b) and subsections 3 (2) and (3) of Ontario Regulation 341/94 made under the *Highway Traffic Act* (Driver Licence Examinations).
4. Section 7 of Regulation 586 of the Revised Regulations of Ontario, 1990 made under the *Highway Traffic Act* (Driving Instructor's Licence).

(2) Paragraph 1 of subsection (1) is revoked and the following substituted:

1. Clause 32 (5) (a), subclause 32 (5) (b) (i) and clause 32 (5) (c) of the *Highway Traffic Act*.

Effective date of delegation

2. (1) Subject to subsection (2), the delegation referred to in section 1 becomes effective on the day this Regulation is filed.

(2) If this Regulation is filed on a Thursday or Friday, the delegation referred to in section 1 becomes effective on the first Saturday after that day.

Commencement

3. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Subsection 1 (2) comes into force on the later of the day subsection 12 (1) of Schedule P to the *Government Efficiency Act, 2002* is proclaimed in force and the day this Regulation is filed.

37/03

ONTARIO REGULATION 353/03

made under the

EDUCATION ACT

Made: August 28, 2003

Filed: August 28, 2003

Printed in *The Ontario Gazette*: September 13, 2003

Amending O. Reg. 139/03

(Student Focused Funding — Legislative Grants for the 2003-2004
School Board Fiscal Year)

Note: Ontario Regulation 139/03 has not previously been amended.

1. Paragraph 4 of subsection 10 (1) of Ontario Regulation 139/03 is revoked and the following substituted:

4. Distant schools allocation.

2. (1) Paragraph 1 of section 27 of the Regulation is amended by striking out “\$412” and substituting “\$428”.
- (2) Paragraph 2 of section 27 of the Regulation is amended by striking out “\$666” and substituting “\$691”.
3. Section 29 of the Regulation is revoked and the following substituted:

Distant schools allocation

29. (1) In this section,

“distant elementary school” means an elementary school in which pupils were enrolled in day school programs in the 2003-2004 school year and that is not located on any of the Toronto Islands but is located,

- (a) at least 8.0 kilometres by road from every other elementary school of the board in which pupils were enrolled in day school programs in the 2003-2004 school year, or
- (b) on Amherst Island, Pelee Island or Wolfe Island; (“école élémentaire éloignée”)

“distant school” means a distant elementary school or a distant secondary school; (“école éloignée”)

“distant secondary school” means a secondary school in which pupils were enrolled in day school programs in the 2003-2004 school year,

- (a) that is located at least 32.0 kilometres by road from every other secondary school of the board in which pupils were enrolled in day school programs in the 2003-2004 school year, or
- (b) that is the only secondary school operated by the board. (“école secondaire éloignée”)

- (2) The following rules apply for the purposes of this section:

1. A school is an elementary school if it has been identified as an elementary school in accordance with the Ministry publication entitled “Data Collection Instruction Guide for the School Facilities Inventory Database”, dated January, 1998 and available for public inspection at the offices of the Ministry of Education, 900 Bay Street, Toronto, Ontario, M7A 1L2.
2. A school is a secondary school if it has been identified as a secondary school in accordance with the Ministry publication entitled “Data Collection Instruction Guide for the School Facilities Inventory Database”, dated January, 1998 and available for public inspection at the offices of the Ministry of Education, 900 Bay Street, Toronto, Ontario, M7A 1L2.
3. A measure of distance shall be accurate to the nearest 0.1 kilometre.
- (3) The amount of the distant schools allocation for a district school board for the fiscal year is determined as follows:
 1. For each distant elementary school of the board,
 - i. determine the learning resources component in accordance with subsection (4),
 - ii. determine the in-school administration component, in accordance with subsection (5),
 - iii. determine the per pupil amount, in accordance with subsection (6),
 - iv. determine the fixed school amount in accordance with subsection (7), and
 - v. total the amounts determined under subparagraphs i, ii, iii and iv.
 2. For each distant secondary school of the board,
 - i. determine the learning resources component in accordance with subsection (8),
 - ii. determine the in-school administration component, in accordance with subsection (9),
 - iii. determine the per pupil amount, in accordance with subsection (10),
 - iv. determine the fixed school amount in accordance with subsection (11), and
 - v. total the amounts determined under subparagraphs i, ii, iii and iv.
 3. Total the amounts determined under paragraphs 1 and 2.
 4. Add the elementary school principals amount determined in accordance with subsection (14) to the amount determined under paragraph 3.
 5. Add the secondary school principals amount determined in accordance with subsection (15) to the amount determined under paragraph 4.
 6. In the case of the Kenora Catholic District School Board, add \$32,135 to the amount determined under paragraph 5.
- (4) The learning resources component for a distant elementary school is determined as follows:

2. Determine the 2003-2004 enrolment of the school, as defined in subsection 37 (53).
3. If the number determined under paragraph 2 is less than 50, the learning resources component for the distant elementary school is the greater of 0 and the amount determined according to the following formula:

$$((\$53,769.98 + (\$6,798.50 \times A)) \times B) - (A \times \$2,719.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

4. If the number determined under paragraph 2 is greater than or equal to 50 but less than 100, the learning resources component for the distant elementary school is the greater of 0 and the amount determined according to the following formula:

$$(\$393,695.12 \times B) - (A \times \$2,719.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

5. If the number determined under paragraph 2 is greater than or equal to 100 but less than 1,000, the learning resources component for the distant elementary school is the greater of 0 and the amount determined according to the following formula:

$$((\$131,905.12 + (\$2,617.90 \times A)) \times B) - (A \times \$2,719.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

6. If the number determined under paragraph 2 is greater than or equal to 1,000, the learning resources component for the distant elementary school is the greater of 0 and the amount determined according to the following formula:

$$(\$2,749.81 \times A \times B) - (A \times \$2,719.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

- (5) The in-school administration component for a distant elementary school is determined as follows:

1. Determine the distance factor for the distant elementary school in accordance with subsection (12).
2. Determine the 2003-2004 enrolment of the school, as defined in subsection 37 (53).
3. If the number determined under paragraph 2 is less than 200, the in-school administration component for the distant elementary school is the greater of 0 and the amount determined according to the following formula:

$$((\$64,534.95 + (\$158.21 \times A)) \times B) - (A \times \$389.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

4. If the number determined under paragraph 2 is greater than or equal to 200 but less than 550, the in-school administration component for the distant elementary school is the greater of 0 and the amount determined according to the following formula:

$$((\$19,010.20 + (\$126.73 \times A)) \times B) - (A \times \$130.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

5. If the number determined under paragraph 2 is greater than or equal to 550 but less than 1,000, the in-school administration component for the distant elementary school is the greater of 0 and the amount determined according to the following formula:

$$((\$37,969.40 + (\$92.26 \times A)) \times B) - (A \times \$130.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

6. If the number determined under paragraph 2 is greater than or equal to 1,000, the in-school administration component for the distant elementary school is 0.

(6) The per pupil amount for a distant elementary school is the product of the 2003-2004 enrolment of the school, as defined in subsection 37 (53), and \$97.50.

(7) The fixed school amount for a distant elementary school is \$3,000, if the 2003-2004 enrolment of the school, as defined in subsection 37 (53), is one or more, and zero in all other cases.

- (8) The learning resources component for a distant secondary school is determined as follows:

1. Determine the distance factor for the distant secondary school in accordance with subsection (13).
2. Determine the 2003-2004 enrolment of the school, as defined in subsection 37 (53).
3. If the number determined under paragraph 2 is less than 50, the learning resources component for the distant secondary school is the greater of 0 and the amount determined according to the following formula:

$$((\$46,044.41 + (\$14,524.07 \times A)) \times B) - (A \times \$3,194.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

4. If the number determined under paragraph 2 is greater than or equal to 50 but less than 100, the learning resources component for the distant secondary school is the greater of 0 and the amount determined according to the following formula:

$$(\$772,248.12 \times B) - (A \times \$3,194.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

5. If the number determined under paragraph 2 is greater than or equal to 100 but less than 1,000, the learning resources component for the distant secondary school is the greater of 0 and the amount determined according to the following formula:

$$((\$499,757.12 + (\$2,724.91 \times A)) \times B) - (A \times \$3,194.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

6. If the number determined under paragraph 2 is greater than or equal to 1,000, the learning resources component for the distant secondary school is the greater of 0 and the amount determined according to the following formula:

$$(\$3,224.67 \times A \times B) - (A \times \$3,194.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

- (9) The in-school administration component for a distant secondary school is determined as follows:

1. Determine the distance factor for the distant secondary school in accordance with subsection (13).
2. Determine the 2003-2004 enrolment of the school, as defined in subsection 37 (53).

secondary school is the greater of 0 and the amount determined according to the following formula:

$$((\$92,445.75 + (\$561.89 \times A)) \times B) - (A \times \$448.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

4. If the number determined under paragraph 2 is greater than or equal to 200 but less than 550, the in-school administration component for the distant secondary school is the greater of 0 and the amount determined according to the following formula:

$$((\$168,821.60 + (\$180.01 \times A)) \times B) - (A \times \$448.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

5. If the number determined under paragraph 2 is greater than or equal to 550 but less than 1,000, the in-school administration component for the distant secondary school is the greater of 0 and the amount determined according to the following formula:

$$((\$47,224.64 + (\$152.01 \times A)) \times B) - (A \times \$199.00)$$

where,

A = the number determined under paragraph 2, and

B = the distance factor determined under paragraph 1.

6. If the number determined under paragraph 2 is greater than or equal to 1,000, the in-school administration component for the distant secondary school is 0.

(10) The per pupil amount for a distant secondary school is the product of the 2003-2004 enrolment of the school, as defined in subsection 37 (53), and \$97.50.

(11) The fixed school amount for a distant secondary school is \$4,000, if the 2003-2004 enrolment of the school, as defined in subsection 37 (53), is one or more, and zero in all other cases.

(12) The distance factor for a distant elementary school is,

- (a) if the distance in kilometres by road to the nearest elementary school of the board in which pupils were enrolled in day school programs in the 2003-2004 school year is less than 32.0 kilometres, the factor that is accurate to four decimal places that is determined according to the following formula:

$$((32/A)((A - 8)/24) + 0.25)/1.25$$

where,

A = the distance in kilometres by road to the nearest such elementary school of the board; and

- (b) 1, in all other cases.

(13) The distance factor for a distant secondary school is,

- (a) if the distance in kilometres by road to the nearest secondary school of the board in which pupils were enrolled in day school programs in the 2003-2004 school year is less than 80.0 kilometres, the factor that is accurate to four decimal places that is determined according to the following formula:

$$((80/A)((A - 32)/48) + 0.25)/1.25$$

where,

A = the distance in kilometres by road to the nearest such secondary school of the board; and

- (b) 1, in all other cases.

(14) The elementary school principals amount is determined as follows:

1. Take the 2003-2004 day school average daily enrolment of elementary school pupils of the board.
2. Multiply the number determined under paragraph 1 by \$259.

3. Divide the number determined under paragraph 2 by the product of \$84,125 and 1.12.
 4. Divide the number determined under paragraph 3 by the number of elementary schools of the board in which pupils were enrolled in day school programs in the school in the 2003-2004 school year.
 5. If the number determined under paragraph 4 is equal to or greater than 0.69, the elementary school principals amount is zero.
 6. If the number determined under paragraph 4 is less than 0.69, the elementary school principals amount is the number determined as follows:
 - i. subtract the number determined under paragraph 4 from 0.69.
 - ii. multiply the number determined under subparagraph i by the product of \$84,125 and 1.12.
 - iii. multiply the number determined under subparagraph ii by the number of elementary schools of the board in which pupils were enrolled in day school programs in the school in the 2003-2004 school year.
- (15) The secondary school principals amount is determined as follows:
1. Take the 2003-2004 day school average daily enrolment of secondary school pupils of the board.
 2. Multiply the number determined under paragraph 1 by \$113.
 3. Divide the number determined under paragraph 2 by the product of \$91,745 and 1.12.
 4. Divide the number determined under paragraph 3 by the number of secondary schools of the board in which pupils were enrolled in day school programs in the school in the 2003-2004 school year.
 5. If the number determined under paragraph 4 is equal to or greater than 0.4, the secondary school principals amount is zero.
 6. If the number determined under paragraph 4 is less than 0.4, the secondary school principals amount is the number determined as follows:
 - i. subtract the number determined under paragraph 4 from 0.4.
 - ii. multiply the number determined under subparagraph i by the product of \$91,745 and 1.12.
 - iii. multiply the number determined under subparagraph ii by the number of secondary schools of the board in which pupils were enrolled in day school programs in the school in the 2003-2004 school year.
- 4. (1) Paragraph 2 of subsection 34 (2) of the Regulation is amended by striking out “\$726” and substituting “\$730”.**
- (2) Paragraph 2 of subsection 34 (3) of the Regulation is amended by striking out “\$726” and substituting “\$730”.**
- (3) Paragraph 4 of subsection 34 (4) of the Regulation is revoked and the following substituted:**
4. Add the total of the amounts determined under paragraph 1 of subsection 29 (3) for each distant elementary school of the board and the board’s elementary school principals amount determined under section 29.
- (4) Subparagraph 8 ii of subsection 34 (4) of the Regulation is amended by striking out “paragraph 16” and substituting “paragraph 16.2”.**
- 5. (1) Subsection 37 (1) of the Regulation is amended by adding the following clause:**
- (c) the permanent capacity of an elementary school and a secondary school is the capacity set out in the column entitled “Capacity Used for New Pupil Place Grant 03-04” opposite the name of the board in the column entitled “Name” in the Report entitled “District School Board Summary” published by the Ministry in April 2003 and available through the Public Access link to the School Facility Data on the School Facilities Inventory System Website (sfis.edu.gov.on.ca) and at the Business Services Branch of the Ministry of Education, Mowat Block, 21st floor, 900 Bay Street, Toronto, Ontario, M7A 1L2.
- (2) Paragraph 15 of subsection 37 (3) of the Regulation is amended by striking out the portion before subparagraph i and substituting the following:**
15. For each elementary school of the board calculate an amount as follows:
-
- (3) Subparagraphs 15 vi to xii of subsection 37 (3) of the Regulation are revoked.**
- (4) Subparagraphs 15 xvii and xviii of subsection 37 (3) of the Regulation are revoked and the following substituted:**
- xvii. Subtract the number determined under subparagraph v from the number determined under subparagraph xv.

subparagraph xvii; however, if the number determined under subparagraph xvii is zero or a negative number or the number determined under subparagraph i is zero, the number taken under this paragraph is zero.

(5) Paragraph 16 of subsection 37 (3) of the Regulation is revoked and the following substituted:

16. Calculate a regular top-up amount for elementary school operations by totalling the amounts determined under paragraph 15 for each of the elementary schools of the board that is not a distant elementary school as defined in subsection 29 (1).

(6) Subsection 37 (3) of the Regulation is amended by adding the following paragraphs:

16.1 For each distant elementary school of the board, as defined in subsection 29 (1), calculate a distant school top-up amount for school operations, as follows:

- i. Determine the 2003-2004 enrolment for the school.
- ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However, the capacity of a school for which the number determined under subparagraph i is zero is, for the purposes of this paragraph, deemed to be zero.
- iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 9.29 metres squared.
- iv. Multiply the number determined under subparagraph iii by the benchmark operating cost of \$58.56 per metre squared.
- v. Multiply the number determined under subparagraph iv by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
- vi. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 9.29 metres squared.
- vii. Multiply the number determined under subparagraph vi by the benchmark operating cost of \$58.56 per metre squared.
- viii. Multiply the number determined under subparagraph vii by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
- ix. Multiply the number determined under subparagraph viii by 0.2.
- x. Subtract the number determined under subparagraph v from the number determined under subparagraph viii.
- xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the distant school top-up amount for school operations for the elementary school is zero. Otherwise, the distant school top-up amount for school operations for the elementary school is,
 - A. the number determined under subparagraph x, in the case of a distant elementary school for which the distance factor calculated under subsection 29 (12) is 1, or
 - B. in all other cases, the lesser of the number determined under subparagraph x and,

$$(a + (b \times c))$$

where,

a = the number determined under subparagraph ix,

b = the distance factor calculated under subsection 29 (12), and

c = the number determined under subparagraph x.

16.2 Add the regular top-up amount for elementary school operations to the total of the distant school top-up amounts for school operations for each of the elementary schools of the board to obtain the top-up amount for school operations for elementary schools of the board.

(7) Paragraph 17 of subsection 37 (3) of the Regulation is amended by striking out the portion before subparagraph i and substituting the following:

17. For each secondary school of the board calculate an amount as follows:

(8) Subparagraphs 17 vi, vii and viii of subsection 37 (3) of the Regulation are revoked.

(9) Subparagraphs 17 xiii and xiv of subsection 37 (3) of the Regulation are revoked and the following substituted:

- xiii. Subtract the number determined under subparagraph v from the number determined under subparagraph xi.
- xiv. Take the lesser of the number determined under subparagraph xii and the number determined under subparagraph xiii; however, if the number determined under subparagraph xiii is zero or a negative number or the number determined under subparagraph i is zero, the number taken under this paragraph is zero.

(10) Paragraph 18 of subsection 37 (3) of the Regulation is revoked and the following substituted:

- 18. Calculate a regular top-up amount for secondary school operations by totalling the amounts determined under paragraph 17 for each of the secondary schools of the board that is not a distant secondary school as defined in subsection 29 (1).

(11) Subsection 37 (3) of the Regulation is amended by adding the following paragraphs:

- 18.1 For each distant secondary school of the board, as defined in subsection 29 (1), calculate a distant school top-up amount for school operations, as follows:
 - i. Determine the 2003-2004 enrolment for the school.
 - ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However, the capacity of a school for which the number determined under subparagraph i is zero is deemed, for the purposes of this paragraph, to be zero.
 - iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 12.07 metres squared.
 - iv. Multiply the number determined under subparagraph iii by the benchmark operating cost of \$58.56 per metre squared.
 - v. Multiply the number determined under subparagraph iv by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
 - vi. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 12.07 metres squared.
 - vii. Multiply the number determined under subparagraph vi by the benchmark operating cost of \$58.56 per metre squared.
 - viii. Multiply the number determined under subparagraph vii by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
 - ix. Multiply the number determined under subparagraph viii by 0.2.
 - x. Subtract the number determined under subparagraph v from the number determined under subparagraph viii.
 - xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the distant school top-up amount for school operations for the secondary school is zero. Otherwise, the distant school top-up amount for school operations for the secondary school is,
 - A. the number determined under subparagraph x, in the case of a distant secondary school for which the distance factor calculated under subsection 29 (13) is 1, or
 - B. in all other cases, the lesser of the number determined under subparagraph x and,

$$(a + (b \times c))$$

where,

a = the number determined under subparagraph ix,

b = the distance factor calculated under subsection 29 (13), and

c = the number determined under subparagraph x.

- 18.2 Add the regular top-up amount for secondary school operations to the total of the distant school top-up amounts for school operations for each of the secondary schools of the board to obtain the top-up amount for school operations for secondary schools of the board.

(12) Paragraph 19 of subsection 37 (3) of the Regulation is revoked and the following substituted:

- 19. Total the amounts determined under paragraphs 14, 16.2 and 18.2 to obtain the amount for the board for school operations.

(13) Paragraph 14 of subsection 37 (9) of the Regulation is amended by striking out the portion before subparagraph i and substituting the following:

calculate a regular top-up amount for school renewal as follows:

(14) Subparagraph 14 xi of subsection 37 (9) of the Regulation is revoked and the following substituted:

- xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the regular top-up amount for school renewal for the elementary school is zero. Otherwise, the regular top-up amount for school renewal for the elementary school is the lesser of the number determined under subparagraph ix and the number determined under subparagraph x.

(15) Subsection 37 (9) of the Regulation is amended by adding the following paragraph:

14.1 For each distant elementary school of the board, as defined in subsection 29 (1), calculate a distant school top-up amount for school renewal, as follows:

- i. Determine the 2003-2004 enrolment for the school.
- ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However the capacity of a school for which the number determined under subparagraph i is zero is, for the purposes of this paragraph, deemed to be zero.
- iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 9.29 metres squared.
- iv. Multiply the number determined under subparagraph iii by the weighted average benchmark elementary school renewal cost per metre squared, as determined for the board under paragraph 5.
- v. Multiply the number determined under subparagraph iv by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
- vi. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 9.29 metres squared.
- vii. Multiply the number determined under subparagraph vi by the weighted average benchmark elementary school renewal cost per metre squared, as determined for the board under paragraph 5.
- viii. Multiply the number determined under subparagraph vii by the supplementary elementary school area factor approved for the board by the Minister in accordance with subsections (4) and (5).
- ix. Multiply the number determined under subparagraph viii by 0.2.
- x. Subtract the number determined under subparagraph v from the number determined under subparagraph viii.
- xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the distant school top-up amount for school renewal for the elementary school is zero. Otherwise, the distant school top-up amount for school renewal for the elementary school is,

A. the number determined under subparagraph x, in the case of a distant elementary school for which the distance factor calculated under subsection 29 (12) is 1, or

B. in all other cases, the lesser of the number determined under subparagraph x and,

$$(a + (b \times c))$$

where,

a = the number determined under subparagraph ix,

b = the distance factor calculated under subsection 29 (12), and

c = the number determined under subparagraph x.

(16) Paragraph 15 of subsection 37 (9) of the Regulation is revoked and the following substituted:

15. Total the regular top-up amounts for school renewal and the distant school top-up amounts for school renewal for each of the elementary schools of the board to obtain the top-up amount for school renewal for elementary schools of the board.

(17) Paragraph 16 of subsection 37 (9) of the Regulation is amended by striking out the portion before subparagraph i and substituting the following:

16. For each secondary school of the board that is not a distant secondary school as defined in subsection 29 (1), calculate a regular top-up amount for school renewal as follows:

(18) Subparagraph 16 xi of subsection 37 (9) of the Regulation is revoked and the following substituted:

- xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the regular top-up amount for school renewal for the secondary school is zero. Otherwise, the regular top-up amount for school renewal for the secondary school is the lesser of the number determined under subparagraph ix and the number determined under subparagraph x.

(19) Subsection 37 (9) of the Regulation is amended by adding the following paragraph:

16.1 For each distant secondary school of the board, as defined in subsection 29 (1), calculate a distant school top-up amount for school renewal, as follows:

- i. Determine the 2003-2004 enrolment for the school.
- ii. Determine the capacity of the school, in terms of pupil places, in accordance with subsection (52). However, the capacity of a school for which the number determined under subparagraph i is zero is, for the purposes of this paragraph, deemed to be zero.
- iii. Multiply the number determined under subparagraph i by the benchmark area requirement per pupil of 12.07 metres squared.
- iv. Multiply the number determined under subparagraph iii by the weighted average benchmark secondary school renewal cost per metre squared, as determined for the board under paragraph 11.
- v. Multiply the number determined under subparagraph iv by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
- vi. Multiply the capacity of the school, in terms of pupil places, as determined under subparagraph ii, by the benchmark area requirement per pupil of 12.07 metres squared.
- vii. Multiply the number determined under subparagraph vi by the weighted average benchmark secondary school renewal cost per metre squared, as determined for the board under paragraph 11.
- viii. Multiply the number determined under subparagraph vii by the supplementary secondary school area factor approved for the board by the Minister in accordance with subsection (8).
- ix. Multiply the number determined under subparagraph viii by 0.2.
- x. Subtract the number determined under subparagraph v from the number determined under subparagraph viii.
- xi. If the number determined under subparagraph x is zero or a negative number or if the number determined under subparagraph i is zero, the distant school top-up amount for school renewal for the secondary school is zero. Otherwise, the distant school top-up amount for school renewal for the secondary school is,
 - A. the number determined under subparagraph x, in the case of a distant secondary school for which the distance factor calculated under subsection 29 (13) is 1, or
 - B. in all other cases, the lesser of the number determined under subparagraph x and,

$$(a + (b \times c))$$

where,

a = the number determined under subparagraph ix,

b = the distance factor calculated under subsection 29 (13), and

c = the number determined under subparagraph x.

(20) Paragraph 17 of subsection 37 (9) of the Regulation is revoked and the following substituted:

17. Total the regular top-up amounts for school renewal and the distant school top-up amounts for school renewal for each of the secondary schools of the board to obtain the top-up amount for school renewal for secondary schools of the board.

(21) Paragraph 3 of subsection 37 (10) of the Regulation is revoked and the following substituted:

- 3. Subtract the total of the 2003-2004 enrolments of the distant elementary schools of the board from the number determined under paragraph 1.
- 3.1 Subtract the total of the permanent capacities of the distant elementary schools of the board from the elementary capacity for the board, in terms of pupil places, determined in accordance with subsection (19).
- 3.2 Subtract the number determined under paragraph 3.1 from the number determined under paragraph 3.

of all numbers, if any, each of which is the number of the board's new pupil places to meet elementary enrolment pressure for an elementary school of the board, as calculated for the purpose of determining the amount for the board for new pupil places for a prior fiscal year, to the greater of the number determined under paragraph 3.2 and 0.

- 3.4 If the number determined under paragraph 3.2 is less than the number determined under paragraph 2, add the sum of all numbers, if any, each of which is the number of the board's new pupil places to meet elementary enrolment pressure for an elementary school of the board, as calculated for the purpose of determining the amount for the board for new pupil places for a prior fiscal year, to the greater of the number determined under paragraph 2 and 0.

(22) Paragraph 4 of subsection 37 (10) of the Regulation is amended by striking out "paragraph 3" and substituting "paragraph 3.3 or 3.4, as the case may be".

(23) Paragraph 18 of subsection 37 (10) of the Regulation is revoked and the following substituted:

18. Subtract the total of the 2003-2004 enrolments of the distant secondary schools of the board from the number determined under paragraph 16.
- 18.1 Subtract the total of the permanent capacities of the distant secondary schools of the board from the secondary capacity for the board, in terms of pupil places, determined in accordance with subsection (19).
- 18.2 Subtract the number determined under paragraph 18.1 from the number determined under paragraph 18.
- 18.3 If the number determined under paragraph 18.2 is greater than the number determined under paragraph 17, add the sum of all numbers, if any, each of which is the number of the board's new pupil places to meet secondary enrolment pressure for a secondary school of the board, as calculated for the purpose of determining the amount for the board for new pupil places for a prior fiscal year, to the greater of the number determined under paragraph 18.2 and 0.
- 18.4 If the number determined under paragraph 18.2 is less than the number determined under paragraph 17, add the sum of all numbers, if any, each of which is the number of the board's new pupil places to meet secondary enrolment pressure for a secondary school of the board, as calculated for the purpose of determining the amount for the board for new pupil places for a prior fiscal year, to the greater of the number determined under paragraph 17 and 0.

(24) Paragraph 19 of subsection 37 (10) of the Regulation is amended by striking out "paragraph 18" and substituting "paragraph 18.3 or 18.4, as the case may be".

(25) Subsection 37 (52) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(52) For the purposes of paragraphs 15, 16.1, 17 and 18.1 of subsection (3) and paragraphs 14, 14.1, 16 and 16.1 of subsection (9), the capacity of an elementary school or secondary school is determined by,

6. (1) Paragraph 4 of subsection 39 (4) of the Regulation is revoked.

(2) Subparagraph 1 iv of subsection 39 (5) of the Regulation is revoked.

(3) Paragraph 2 of subsection 39 (5) of the Regulation is revoked and the following substituted:

2. Subtract from the total determined under paragraph 1, the product of the 2003-2004 day school average daily enrolment of pupils of the board and the amount shown in Column 2 of Table 12 opposite the name of the board in Column 1 of that Table.

7. Paragraphs 15 and 16 of subsection 41 (5) of the Regulation are revoked and the following substituted:

15. Take the part of the total of the amounts determined for each distant elementary school of the board under paragraph 1 of subsection 29 (3) that is attributable to classroom expenditure.
16. Take the part of the total of the amounts determined for each distant secondary school of the board under paragraph 2 of subsection 29 (3) that is attributable to classroom expenditure.

8. The Regulation is amended by adding the following section:

Amounts spent by district school board in respect of distant schools

42.1 (1) Subject to subsection (2), a district school board shall ensure that the amount it spends in the fiscal year for the purposes set out in subsection (4) in respect of schools of the board that are distant schools within the meaning of subsection 29 (1) is not less than the amount by which the total of the following amounts exceeds the part of the OMERS savings for the board that is attributable to expenditures for the purposes set out in subsection (4) in respect of schools of the board that are distant schools within the meaning of subsection 29 (1):

1. The amount determined for the board under paragraph 3 of subsection 29 (3).
2. The greater of,

- i. the total of the distant school top-up amounts for school operations for each of the elementary schools of the board minus the total of the amounts determined under subparagraph 15 xviii of subsection 37 (3) for each elementary school of the board that is a distant elementary school of the board within the meaning of subsection 29 (1), and

- ii. 0.

3. The greater of,

- i. the total of the distant school top-up amounts for school operations for each of the secondary schools of the board minus the total of the amounts determined under subparagraph 17 xiv of subsection 37 (3) for each secondary school of the board that is a distant secondary school of the board within the meaning of subsection 29 (1), and

- ii. 0.

(2) If a board's net expenditure on distant schools of the board in the fiscal year is less than the amount required under subsection (1), the board shall place the difference in the board's distant schools reserve fund.

(3) For the purpose of this section, a board's net expenditure on distant schools of the board in the fiscal year is determined as follows:

1. Add the part of the amount that is in the board's reserve fund under subsection 233 (1) of the Act on August 31, 2004, immediately before the transfer under subsection 233 (2) of the Act, that is attributable to expenditures for the purposes set out in subsection (4) in respect of distant schools of the board to the board's expenditures for the purposes set out in subsection (4) in respect of distant schools of the board.
2. Deduct the following amounts from the amount determined under paragraph 1:
 - i. The amount of any transfers from the board's distant school reserve fund in the fiscal year.
 - ii. The amounts of any other transfers from reserves in the fiscal year that were applied for the purposes set out in subsection (4) in respect of distant schools of the board.
 - iii. Any revenue from other sources received by the board in the fiscal year that is spent by the board in the fiscal year for the purposes set out in subsection (4) in respect of distant schools of the board.

(4) The purposes referred to in subsection (3) are the following:

1. To ensure sufficient teaching staff to provide quality curriculum.
2. To provide for full-time adult presence.
3. To acquire learning resources and materials.
4. To meet the operational costs of distant schools.

(5) This section shall not be interpreted as limiting the amount that a board may spend for the purposes set out in subsection (4) in respect of distant schools of the board.

9. Item 21 of Table 10 of the Regulation is amended by striking out "Renfrew County District School Board" in column 1 and substituting "Renfrew County Catholic District School Board".

10. Table 12 of the Regulation is revoked and the following substituted:

TABLE/TABLEAU 12
PER PUPIL EXCLUSION FOR DECLINING ENROLMENT ADJUSTMENT/
MONTANT PAR ÉLÈVE À EXCLURE DU REDRESSEMENT
POUR BAISSSE DES EFFECTIFS

Item/ Point	Column/Colonne 1 Name of Board/nom du conseil	Column/Colonne 2 Amount/Montant \$
1.	District School Board Ontario North East	346.79
2.	Algoma District School Board	307.23
3.	Rainbow District School Board	235.10
4.	Near North District School Board	222.49
5.	Keewatin-Patricia District School Board	386.35
6.	Rainy River District School Board	372.99
7.	Lakehead District School Board	175.86
8.	Superior-Greenstone District School Board	737.65
9.	Bluewater District School Board	177.81
10.	Avon Maitland District School Board	165.76

Point	Name of Board/nom du conseil	Amount/Montant \$
11.	Greater Essex County District School Board	158.27
12.	Lambton Kent District School Board	166.79
13.	Thames Valley District School Board	157.49
14.	Toronto District School Board	159.98
15.	Durham District School Board	158.28
16.	Kawartha Pine Ridge District School Board	159.03
17.	Trillium Lakelands District School Board	185.00
18.	York Region District School Board	158.99
19.	Simcoe County District School Board	158.11
20.	Upper Grand District School Board	163.21
21.	Peel District School Board	157.30
22.	Halton District School Board	159.42
23.	Hamilton-Wentworth District School Board	159.73
24.	District School Board of Niagara	159.91
25.	Grand Erie District School Board	160.12
26.	Waterloo Region District School Board	158.57
27.	Ottawa-Carleton District School Board	159.87
28.	Upper Canada District School Board	173.03
29.	Limestone District School Board	174.21
30.	Renfrew County District School Board	204.86
31.	Hastings and Prince Edward District School Board	168.76
32.	Northeastern Catholic District School Board	364.29
33.	Nipissing-Parry Sound Catholic District School Board	212.87
34.	Huron-Superior Catholic District School Board	299.39
35.	Sudbury Catholic District School Board	204.05
36.	Northwest Catholic District School Board	374.62
37.	Kenora Catholic District School Board	207.90
38.	Thunder Bay Catholic District School Board	175.31
39.	Superior North Catholic District School Board	897.80
40.	Bruce-Grey Catholic District School Board	219.21
41.	Huron Perth Catholic District School Board	190.45
42.	Windsor-Essex Catholic District School Board	158.83
43.	English-language Separate District School Board No. 38	157.24
44.	St. Clair Catholic District School Board	175.36
45.	Toronto Catholic District School Board	157.15
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	164.73
47.	York Catholic District School Board	158.03
48.	Dufferin-Peel Catholic District School Board	158.34
49.	Simcoe Muskoka Catholic District School Board	162.52
50.	Durham Catholic District School Board	159.28
51.	Halton Catholic District School Board	158.16
52.	Hamilton-Wentworth Catholic District School Board	157.45
53.	Wellington Catholic District School Board	163.20
54.	Waterloo Catholic District School Board	158.67
55.	Niagara Catholic District School Board	159.80
56.	Brant Haldimand Norfolk Catholic District School Board	167.65
57.	Catholic District School Board of Eastern Ontario	178.14
58.	Ottawa-Carleton Catholic District School Board	158.19
59.	Renfrew County Catholic District School Board	232.33
60.	Algonquin and Lakeshore Catholic District School Board	187.98
61.	Conseil scolaire de district du Nord-Est de l'Ontario	919.65
62.	Conseil scolaire de district du Grand Nord de l'Ontario	734.69
63.	Conseil scolaire de district du Centre Sud-Ouest	547.24
64.	Conseil de district des écoles publiques de langue française n° 59	290.74
65.	Conseil scolaire de district catholique des Grandes Rivières	453.88
66.	Conseil scolaire de district catholique Franco-Nord	382.68
67.	Conseil scolaire de district catholique du Nouvel-Ontario	380.53
68.	Conseil scolaire de district catholique des Aurores boréales	819.53
69.	Conseil scolaire de district des écoles catholiques du Sud-	280.81

Item/ Point	Column/Colonne 1	Column/Colonne 2
	Name of Board/nom du conseil	Amount/Montant \$
	Ouest	
70.	Conseil scolaire de district catholique Centre-Sud	325.83
71.	Conseil scolaire de district catholique de l'Est ontarien	240.74
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	237.98

11. Item 3 of Table 13 of the Regulation is revoked.

RÈGLEMENT DE L'ONTARIO 353/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 28 août 2003

déposé le 28 août 2003

imprimé dans la *Gazette de l'Ontario* le 13 septembre 2003

modifiant le Règl. de l'Ont. 139/03

(Financement axé sur les besoins des élèves —

subventions générales pour l'exercice 2003-2004 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 139/03 n'a pas été modifié antérieurement.

1. La disposition 4 du paragraphe 10 (1) du Règlement de l'Ontario 139/03 est abrogée et remplacée par ce qui suit :

4. Écoles éloignées.

2. (1) La disposition 1 de l'article 27 du Règlement est modifiée par substitution de «428 \$» à «412 \$».

(2) La disposition 2 de l'article 27 du Règlement est modifiée par substitution de «691 \$» à «666 \$».

3. L'article 29 du Règlement est abrogé et remplacé par ce qui suit :

Élément écoles éloignées

29. (1) Les définitions qui suivent s'appliquent au présent article.

«école élémentaire éloignée» École élémentaire où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004 et qui n'est pas située sur l'une ou l'autre des îles de Toronto mais, selon le cas :

a) à au moins 8 kilomètres par route des autres écoles élémentaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004;

b) sur l'île Amherst, Pelée ou Wolfe. («distant elementary school»)

«école éloignée» S'entend d'une école élémentaire éloignée ou d'une école secondaire éloignée. («distant school»)

«école secondaire éloignée» École secondaire où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004 et qui, selon le cas :

a) est située à au moins 32 kilomètres par route des autres écoles secondaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004;

b) est la seule école secondaire qui relève du conseil. («distant secondary school»)

(2) Les règles suivantes s'appliquent dans le cadre du présent article :

1. Une école est une école élémentaire si elle a été identifiée comme telle conformément au «Guide de collecte des données pour le système d'inventaire des installations scolaires» que le ministère de l'Éducation a publié en janvier 1998 et que le public peut consulter aux bureaux de celui-ci, au 900, rue Bay, Toronto (Ontario) M7A 1L2.

2. Une école est une école secondaire si elle a été identifiée comme telle conformément au «Guide de collecte des données pour le système d'inventaire des installations scolaires» que le ministère de l'Éducation a publié en janvier 1998 et que le public peut consulter aux bureaux de celui-ci, au 900, rue Bay, Toronto (Ontario) M7A 1L2.

(3) L'élément écoles éloignées pour un conseil scolaire de district pour l'exercice est calculé de la manière suivante :

1. Pour chaque école élémentaire éloignée du conseil :

- i. calculer la composante ressources éducatives conformément au paragraphe (4),
- ii. calculer la composante administration interne de l'école conformément au paragraphe (5),
- iii. calculer la somme par élève conformément au paragraphe (6),
- iv. calculer la somme fixe par école conformément au paragraphe (7),
- v. additionner les sommes calculées en application des sous-dispositions i, ii, iii et iv.

2. Pour chaque école secondaire éloignée du conseil :

- i. calculer la composante ressources éducatives conformément au paragraphe (8),
- ii. calculer la composante administration interne conformément au paragraphe (9),
- iii. calculer la somme par élève conformément au paragraphe (10),
- iv. calculer la somme fixe par école conformément au paragraphe (11),
- v. additionner les sommes calculées en application des sous-dispositions i, ii, iii et iv.

3. Additionner les sommes calculées en application des dispositions 1 et 2.

4. Additionner la somme liée aux directeurs d'école élémentaire calculée conformément au paragraphe (14) et la somme calculée en application de la disposition 3.

5. Additionner la somme liée aux directeurs d'école secondaire calculée conformément au paragraphe (15) et la somme calculée en application de la disposition 4.

6. Dans le cas du Kenora Catholic District School Board, ajouter 32 135 \$ à la somme calculée en application de la disposition 5.

(4) La composante ressources éducatives pour une école élémentaire éloignée est calculée de la manière suivante :

1. Calculer le facteur de distance pour l'école conformément au paragraphe (12).
2. Calculer l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53).
3. Si le résultat obtenu en application de la disposition 2 est inférieur à 50, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((53\,769,98 \$ + (6\,798,50 \$ \times A)) \times B) - (A \times 2\,719 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

4. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 50 mais inférieur à 100, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$(393\,695,12 \$ \times B) - (A \times 2\,719 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

5. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 100 mais inférieur à 1 000, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((131\,905,12 \$ + (2\,617,90 \$ \times A)) \times B) - (A \times 2\,719 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

6. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 1 000, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$(2\,749,81 \$ \times A \times B) - (A \times 2\,719 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

(5) La composante administration interne pour une école élémentaire éloignée est calculée de la manière suivante :

1. Calculer le facteur de distance pour l'école conformément au paragraphe (12).
2. Calculer l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53).
3. Si le résultat obtenu en application de la disposition 2 est inférieur à 200, la composante administration interne pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((64\,534,95 \$ + (158,21 \$ \times A)) \times B) - (A \times 389 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

4. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 200 mais inférieur à 550, la composante administration interne pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((19\,010,20 \$ + (126,73 \$ \times A)) \times B) - (A \times 130 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

5. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 550 mais inférieur à 1 000, la composante administration interne pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((37\,969,40 \$ + (92,26 \$ \times A)) \times B) - (A \times 130 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

6. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 1 000, la composante administration interne pour l'école est de zéro.

(6) La somme par élève pour une école élémentaire éloignée est le produit obtenu en multipliant par 97,50 \$ l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53).

(7) La somme fixe pour une école élémentaire éloignée s'élève à 3 000 \$ si l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53), est de un ou plus, et elle est de zéro dans les autres cas.

(8) La composante ressources éducatives pour une école secondaire éloignée est calculée de la manière suivante :

1. Calculer le facteur de distance pour l'école conformément au paragraphe (13).
2. Calculer l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53).
3. Si le résultat obtenu en application de la disposition 2 est inférieur à 50, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((46\,044,41 \$ + (14\,524,07 \$ \times A)) \times B) - (A \times 3\,194 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

4. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 50 mais inférieur à 100, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$(772\,248,12 \$ \times B) - (A \times 3\,194 \$)$$

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

5. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 100 mais inférieur à 1 000, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((499\,757,12 \$ + (2\,724,91 \$ \times A)) \times B) - (A \times 3\,194 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

6. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 1 000, la composante ressources éducatives pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$(3\,224,67 \$ \times A \times B) - (A \times 3\,194 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

- (9) La composante administration interne pour une école secondaire éloignée est calculée de la manière suivante :

1. Calculer le facteur de distance pour l'école conformément au paragraphe (13).
2. Calculer l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53).
3. Si le résultat obtenu en application de la disposition 2 est inférieur à 200, la composante administration interne pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((92\,445,75 \$ + (561,89 \$ \times A)) \times B) - (A \times 448 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

4. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 200 mais inférieur à 550, la composante administration interne pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((168\,821,60 \$ + (180,01 \$ \times A)) \times B) - (A \times 448 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

5. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 550 mais inférieur à 1 000, la composante administration interne pour l'école correspond au plus élevé de zéro et de la somme calculée selon la formule suivante :

$$((47\,224,64 \$ + (152,01 \$ \times A)) \times B) - (A \times 199 \$)$$

où :

A correspond au nombre calculé en application de la disposition 2,

B correspond au facteur de distance calculé en application de la disposition 1.

6. Si le résultat obtenu en application de la disposition 2 est supérieur ou égal à 1 000, la composante administration interne pour l'école est de zéro.

(10) La somme par élève pour une école secondaire éloignée est le produit obtenu en multipliant par 97,50 \$ l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53).

(11) La somme fixe pour une école secondaire éloignée s'élève à 4 000 \$ si l'effectif de 2003-2004 de l'école, au sens du paragraphe 37 (53), est de un ou plus, et elle est de zéro dans les autres cas.

(12) Le facteur de distance pour une école élémentaire éloignée correspond au nombre suivant :

- a) si la distance par route jusqu'à l'école élémentaire du conseil la plus rapprochée où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004 est inférieure à 32 kilomètres, le nombre calculé à quatre décimales près selon la formule suivante :

$$((32/A)((A - 8)/24) + 0,25)/1,25$$

où :

A correspond à la distance en kilomètres par route jusqu'à cette école élémentaire du conseil;

- b) 1, dans les autres cas.

(13) Le facteur de distance pour une école secondaire éloignée correspond au nombre suivant :

- a) si la distance par route jusqu'à l'école secondaire du conseil la plus rapprochée où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004 est inférieure à 80 kilomètres, le nombre calculé à quatre décimales près selon la formule suivante :

$$((80/A)((A - 32)/48) + 0,25)/1,25$$

où :

A correspond à la distance en kilomètres par route jusqu'à cette école secondaire du conseil;

- b) 1, dans les autres cas.

(14) La somme liée aux directeurs d'école élémentaire est calculée de la manière suivante :

1. Prendre l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 2003-2004.
2. Multiplier le nombre obtenu en application de la disposition 1 par 259 \$.
3. Diviser le produit obtenu en application de la disposition 2 par le produit de 84 125 \$ et de 1,12.
4. Diviser le quotient obtenu en application de la disposition 3 par le nombre d'écoles élémentaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour à l'école pendant l'année scolaire 2003-2004.
5. Si le résultat obtenu en application de la disposition 4 est égal ou supérieur à 0,69, la somme liée aux directeurs d'école élémentaire est nulle.
6. Si le résultat obtenu en application de la disposition 4 est inférieur à 0,69, la somme liée aux directeurs d'école élémentaire est calculée de la manière suivante :
 - i. soustraire le résultat obtenu en application de la disposition 4 de 0,69.
 - ii. multiplier le nombre obtenu en application de la sous-disposition i par le produit obtenu en multipliant 84 125 \$ par 1,12.
 - iii. multiplier le produit obtenu en application de la sous-disposition ii par le nombre d'écoles élémentaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour à l'école pendant l'année scolaire 2003-2004.

(15) La somme liée aux directeurs d'école secondaire est calculée de la manière suivante :

1. Prendre l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 2003-2004.
2. Multiplier le nombre obtenu en application de la disposition 1 par 113 \$.
3. Diviser le produit obtenu en application de la disposition 2 par celui obtenu en multipliant 91 745 \$ par 1,12.
4. Diviser le quotient obtenu en application de la disposition 3 par le nombre d'écoles secondaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour à l'école pendant l'année scolaire 2003-2004.
5. Si le résultat obtenu en application de la disposition 4 est égal ou supérieur à 0,4, la somme liée aux directeurs d'école secondaire est nulle.
6. Si le résultat obtenu en application de la disposition 4 est inférieur à 0,4, la somme liée aux directeurs d'école secondaire est calculée de la manière suivante :
 - i. soustraire le résultat obtenu en application de la disposition 4 de 0,4.
 - ii. multiplier le nombre obtenu en application de la sous-disposition i par le produit obtenu en multipliant 91 745 \$ par 1,12.
 - iii. multiplier le produit obtenu en application de la sous-disposition ii par le nombre d'écoles secondaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour à l'école pendant l'année scolaire 2003-2004.

4. (1) La disposition 2 du paragraphe 34 (2) du Règlement est modifiée par substitution de «730 \$» à «726 \$».

(3) La disposition 4 du paragraphe 34 (4) du Règlement est abrogée et remplacée par ce qui suit :

4. Additionner les sommes calculées en application de la disposition 1 du paragraphe 29 (3) pour chaque école élémentaire éloignée du conseil et la somme liée aux directeurs d'école élémentaire du conseil calculée en application de l'article 29.

(4) La sous-disposition 8 ii du paragraphe 34 (4) du Règlement est modifiée par substitution de «16.2» à «16».

5. (1) Le paragraphe 37 (1) du Règlement est modifié par adjonction de l'alinéa suivant :

- c) la capacité d'accueil permanente d'une école élémentaire et d'une école secondaire est celle indiquée dans la colonne intitulée «Capacité d'accueil» en regard du nom du conseil dans la colonne intitulée «Nom» dans le rapport intitulé «Sommaire du CSD» publié par le ministère en avril 2003 et que l'on peut se procurer en appuyant sur le lien Accès public qui mène à la page Données sur les installations scolaires sur le site Web du Système d'inventaire des installations scolaires (sfis.edu.gov.on.ca) et auprès de la Direction des services opérationnels du ministère de l'Éducation à l'adresse suivante : Édifice Mowat, 21^e étage, 900, rue Bay, Toronto (Ontario) M7A 1L2.

(2) La disposition 15 du paragraphe 37 (3) du Règlement est modifiée par substitution de ce qui suit au passage qui précède la sous-disposition i :

15. Pour chaque école élémentaire du conseil, calculer la somme suivante :

(3) Les sous-dispositions 15 vi à xii du paragraphe 37 (3) du Règlement sont abrogées.

(4) Les sous-dispositions 15 xvii et xviii du paragraphe 37 (3) du Règlement sont abrogées et remplacées par ce qui suit :

- xvii. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition xv.
- xviii. Prendre le moins élevé du nombre obtenu en application de la sous-disposition xvi et de celui obtenu en application de la sous-disposition xvii. Toutefois, si le nombre pris en application de la sous-disposition xvii est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, le nombre pris en application de la présente disposition est de zéro.

(5) La disposition 16 du paragraphe 37 (3) du Règlement est abrogée et remplacée par ce qui suit :

16. Calculer une somme complémentaire ordinaire liée au fonctionnement des écoles élémentaires en additionnant les sommes obtenues en application de la disposition 15 pour chacune des écoles élémentaires du conseil qui n'est pas une école élémentaire éloignée au sens du paragraphe 29 (1).

(6) Le paragraphe 37 (3) du Règlement est modifié par adjonction des dispositions suivantes :

- 16.1 Pour chaque école élémentaire éloignée du conseil, au sens du paragraphe 29 (1), calculer une somme complémentaire liée au fonctionnement des écoles éloignées, de la manière suivante :

- i. Calculer l'effectif de 2003-2004 de l'école.
- ii. Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.
- iii. Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 9,29 mètres carrés.
- iv. Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère de fonctionnement de 58,56 \$ le mètre carré.
- v. Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).
- vi. Multiplier la capacité d'accueil de l'école, exprimée en places, calculée en application de la sous-disposition ii, par la superficie repère requise par élève de 9,29 mètres carrés.
- vii. Multiplier le nombre obtenu en application de la sous-disposition vi par le coût repère de fonctionnement de 58,56 \$ le mètre carré.
- viii. Multiplier le nombre obtenu en application de la sous-disposition vii par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).

ix. Multiplier le nombre obtenu en application de la sous-disposition viii par 0,2.

x. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition viii.

xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée au fonctionnement des écoles éloignées pour l'école en question est de zéro; sinon, elle correspond :

A. au nombre obtenu en application de la sous-disposition x, dans le cas d'une école élémentaire éloignée dont le facteur de distance calculé en application du paragraphe 29 (12) est de 1,

B. dans les autres cas, au moindre du nombre obtenu en application de la sous-disposition x et de

$$(a + (b \times c))$$

où :

a correspond au nombre obtenu en application de la sous-disposition ix,

b correspond au facteur de distance calculé en application du paragraphe 29 (12),

c correspond au nombre obtenu en application de la sous-disposition x.

16.2 Additionner la somme complémentaire ordinaire liée au fonctionnement des écoles élémentaires et le total des sommes complémentaires liées au fonctionnement des écoles éloignées pour chacune des écoles élémentaires du conseil afin d'obtenir la somme complémentaire liée au fonctionnement des écoles élémentaires du conseil.

(7) La disposition 17 du paragraphe 37 (3) du Règlement est modifiée par substitution de ce qui suit au passage qui précède la sous-disposition i :

17. Pour chaque école secondaire du conseil, calculer la somme suivante :

.

(8) Les sous-dispositions 17 vi, vii et viii du paragraphe 37 (3) du Règlement sont abrogées.

(9) Les sous-dispositions 17 xiii et xiv du paragraphe 37 (3) du Règlement sont abrogées et remplacées par ce qui suit :

xiii. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition xi.

xiv. Prendre le moins élevé du nombre obtenu en application de la sous-disposition xii et de celui obtenu en application de la sous-disposition xiii. Toutefois, si le nombre obtenu en application de la sous-disposition xiii est nul ou négatif ou que le nombre pris en application de la sous-disposition i est nul, le nombre pris en application de la présente disposition est de zéro.

(10) La disposition 18 du paragraphe 37 (3) du Règlement est abrogée et remplacée par ce qui suit :

18. Calculer une somme complémentaire ordinaire liée au fonctionnement des écoles secondaires en additionnant les sommes obtenues en application de la disposition 17 pour chacune des écoles secondaires du conseil qui n'est pas une école secondaire éloignée au sens du paragraphe 29 (1).

(11) Le paragraphe 37 (3) du Règlement est modifié par adjonction des dispositions suivantes :

18.1 Pour chaque école secondaire éloignée du conseil, au sens du paragraphe 29 (1), calculer une somme complémentaire liée au fonctionnement des écoles éloignées, de la manière suivante :

i. Calculer l'effectif de 2003-2004 de l'école.

ii. Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.

iii. Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 12,07 mètres carrés.

iv. Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère de fonctionnement de 58,56 \$ le mètre carré.

v. Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).

vi. Multiplier la capacité d'accueil de l'école, exprimée en places, calculée en application de la sous-disposition ii, par la superficie repère requise par élève de 12,07 mètres carrés.

58,56 \$ le mètre carré.

- viii. Multiplier le nombre obtenu en application de la sous-disposition vii par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).
- ix. Multiplier le nombre obtenu en application de la sous-disposition viii par 0,2.
- x. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition viii.
- xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée au fonctionnement des écoles éloignées pour l'école en question est de zéro; sinon, elle correspond :

A. au nombre obtenu en application de la sous-disposition x, dans le cas d'une école secondaire éloignée dont le facteur de distance calculé en application du paragraphe 29 (13) est de 1,

B. dans les autres cas, au moindre du nombre obtenu en application de la sous-disposition x et de

$$(a + (b \times c))$$

où :

- a correspond au nombre obtenu en application de la sous-disposition ix,
- b correspond au facteur de distance calculé en application du paragraphe 29 (13),
- c correspond au nombre obtenu en application de la sous-disposition x.

18.2 Additionner la somme complémentaire ordinaire liée au fonctionnement des écoles secondaires et le total des sommes complémentaires liées au fonctionnement des écoles éloignées pour chacune des écoles secondaires du conseil afin d'obtenir la somme complémentaire liée au fonctionnement des écoles secondaires du conseil.

(12) La disposition 19 du paragraphe 37 (3) du Règlement est abrogée et remplacée par ce qui suit :

19. Additionner les sommes calculées en application des dispositions 14,16.2 et 18.2 pour obtenir la somme liée au fonctionnement des écoles pour le conseil.

(13) La disposition 14 du paragraphe 37 (9) du Règlement est modifiée par substitution de ce qui suit au passage qui précède la sous-disposition i :

14. Pour chaque école élémentaire du conseil qui n'est pas une école élémentaire éloignée au sens du paragraphe 29 (1), calculer une somme complémentaire ordinaire liée à la réfection des écoles, de la manière suivante :

(14) La sous-disposition 14 xi du paragraphe 37 (9) du Règlement est abrogée et remplacée par ce qui suit :

- xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire ordinaire liée à la réfection des écoles pour l'école en question est de zéro; sinon, elle correspond au moindre du nombre obtenu en application de la sous-disposition ix et de celui obtenu en application de la sous-disposition x.

(15) Le paragraphe 37 (9) du Règlement est modifié par adjonction de la disposition suivante :

14.1 Pour chaque école élémentaire éloignée du conseil, au sens du paragraphe 29 (1), calculer une somme complémentaire liée à la réfection des écoles éloignées, de la manière suivante :

- i. Calculer l'effectif de 2003-2004 de l'école.
- ii. Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.
- iii. Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 9,29 mètres carrés.
- iv. Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère moyen pondéré au mètre carré de réfection des écoles élémentaires, calculé pour le conseil en application de la disposition 5.
- v. Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).

- vi. Multiplier la capacité d'accueil de l'école, exprimée en places, calculée en application de la sous-disposition ii, par la superficie repère requise par élève de 9,29 mètres carrés.
- vii. Multiplier le nombre obtenu en application de la sous-disposition vi par le coût repère moyen pondéré au mètre carré de réfection des écoles élémentaires, calculé pour le conseil en application de la disposition 5.
- viii. Multiplier le nombre obtenu en application de la sous-disposition vii par le facteur relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (4) et (5).
- ix. Multiplier le nombre obtenu en application de la sous-disposition viii par 0,2.
- x. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition viii.
- xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée à la réfection des écoles éloignées pour l'école en question est de zéro; sinon, elle correspond :
 - A. au nombre obtenu en application de la sous-disposition x, dans le cas d'une école élémentaire éloignée dont le facteur de distance calculé en application du paragraphe 29 (12) est de 1,
 - B. dans les autres cas, au moindre du nombre obtenu en application de la sous-disposition x et de

$$(a + (b \times c))$$

où :

- a correspond au nombre obtenu en application de la sous-disposition ix,
- b correspond au facteur de distance calculé en application du paragraphe 29 (12),
- c correspond au nombre obtenu en application de la sous-disposition x.

(16) La disposition 15 du paragraphe 37 (9) du Règlement est abrogée et remplacée par ce qui suit :

- 15. Additionner les sommes complémentaires ordinaires liées à la réfection des écoles et les sommes complémentaires liées à la réfection des écoles éloignées pour chacune des écoles élémentaires du conseil afin d'obtenir les sommes complémentaires liées à la réfection des écoles élémentaires du conseil.

(17) La disposition 16 du paragraphe 37 (9) du Règlement est modifiée par substitution de ce qui suit au passage qui précède la sous-disposition i :

- 16. Pour chaque école secondaire du conseil qui n'est pas une école secondaire éloignée au sens du paragraphe 29 (1), calculer une somme complémentaire ordinaire liée à la réfection des écoles, de la manière suivante :

(18) La sous-disposition 16 xi du paragraphe 37 (9) du Règlement est abrogée et remplacée par ce qui suit :

- xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire ordinaire liée à la réfection des écoles pour l'école en question est de zéro; sinon, elle correspond au moindre du nombre obtenu en application de la sous-disposition ix et de celui obtenu en application de la sous-disposition x.

(19) Le paragraphe 37 (9) du Règlement est modifié par adjonction de la disposition suivante :

- 16.1 Pour chaque école secondaire éloignée du conseil, au sens du paragraphe 29 (1), calculer une somme complémentaire liée à la réfection des écoles éloignées, de la manière suivante :
 - i. Calculer l'effectif de 2003-2004 de l'école.
 - ii. Calculer la capacité d'accueil de l'école, exprimée en places, conformément au paragraphe (52). Toutefois, la capacité d'une école pour laquelle le nombre obtenu en application de la sous-disposition i est nul est réputée nulle pour l'application de la présente disposition.
 - iii. Multiplier le nombre calculé en application de la sous-disposition i par la superficie repère requise par élève de 12,07 mètres carrés.
 - iv. Multiplier le nombre obtenu en application de la sous-disposition iii par le coût repère moyen pondéré au mètre carré de réfection des écoles secondaires, calculé pour le conseil en application de la disposition 11.
 - v. Multiplier le nombre obtenu en application de la sous-disposition iv par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).

par la superficie repere requise par élève de 12,07 mètres carrés.

- vii. Multiplier le nombre obtenu en application de la sous-disposition vi par le coût repère moyen pondéré au mètre carré de réfection des écoles secondaires, calculé pour le conseil en application de la disposition 11.
- viii. Multiplier le nombre obtenu en application de la sous-disposition vii par le facteur relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (8).
- ix. Multiplier le nombre obtenu en application de la sous-disposition viii par 0,2.
- x. Soustraire le nombre obtenu en application de la sous-disposition v de celui obtenu en application de la sous-disposition viii.
- xi. Si le nombre obtenu en application de la sous-disposition x est nul ou négatif ou que le nombre obtenu en application de la sous-disposition i est nul, la somme complémentaire liée à la réfection des écoles éloignées pour l'école en question est de zéro; sinon, elle correspond :
 - A. au nombre obtenu en application de la sous-disposition x, dans le cas d'une école secondaire éloignée dont le facteur de distance calculé en application du paragraphe 29 (13) est de 1,
 - B. dans les autres cas, au moindre du nombre obtenu en application de la sous-disposition x et de,

$$(a + (b \times c))$$

où :

- a correspond au nombre obtenu en application de la sous-disposition ix,
- b correspond au facteur de distance calculé en application du paragraphe 29 (13),
- c correspond au nombre obtenu en application de la sous-disposition x.

(20) La disposition 17 du paragraphe 37 (9) du Règlement est abrogée et remplacée par ce qui suit :

- 17. Additionner les sommes complémentaires ordinaires liées à la réfection des écoles et les sommes complémentaires liées à la réfection des écoles éloignées pour chacune des écoles secondaires du conseil afin d'obtenir les sommes complémentaires liées à la réfection des écoles secondaires du conseil.

(21) La disposition 3 du paragraphe 37 (10) du Règlement est abrogée et remplacée par ce qui suit :

- 3. Soustraire l'effectif de 2003-2004 total des écoles élémentaires éloignées du conseil du nombre obtenu en application de la disposition 1.
- 3.1 Soustraire les capacités d'accueil permanentes totales des écoles élémentaires éloignées du conseil de la capacité d'accueil à l'élémentaire du conseil, exprimée en places, qui est calculée conformément au paragraphe (19).
- 3.2 Soustraire le nombre obtenu en application de la disposition 3.1 de celui obtenu en application de la disposition 3.
- 3.3 Si le nombre obtenu en application de la disposition 3.2 est supérieur à celui obtenu en application de la disposition 2, ajouter au plus élevé du nombre obtenu en application de la disposition 3.2 et de zéro la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif à l'élémentaire pour chaque école élémentaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur.
- 3.4 Si le nombre obtenu en application de la disposition 3.2 est inférieur à celui obtenu en application de la disposition 2, ajouter au plus élevé du nombre obtenu en application de la disposition 2 et de zéro la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif à l'élémentaire pour chaque école élémentaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur.

(22) La disposition 4 du paragraphe 37 (10) du Règlement est modifiée par substitution de «disposition 3.3 ou 3.4, selon le cas,» à «disposition 3».

(23) La disposition 18 du paragraphe 37 (10) du Règlement est abrogée et remplacée par ce qui suit :

- 18. Soustraire l'effectif de 2003-2004 total des écoles secondaires éloignées du conseil du nombre obtenu en application de la disposition 16.
- 18.1 Soustraire les capacités d'accueil permanentes totales des écoles secondaires éloignées du conseil de la capacité d'accueil au secondaire du conseil, exprimée en places, qui est calculée conformément au paragraphe (19).
- 18.2 Soustraire le nombre obtenu en application de la disposition 18.1 de celui obtenu en application de la disposition 18.

18.3 Si le nombre obtenu en application de la disposition 18.2 est supérieur à celui obtenu en application de la disposition 17, ajouter au plus élevé du nombre obtenu en application de la disposition 18.2 et de zéro la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif au secondaire pour chaque école secondaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur.

18.4 Si le nombre obtenu en application de la disposition 18.2 est inférieur à celui obtenu en application de la disposition 17, ajouter au plus élevé du nombre obtenu en application de la disposition 17 et de zéro la somme éventuelle de tous les nombres dont chacun correspond au nombre de nouvelles places dont le conseil a besoin par suite de l'augmentation de l'effectif au secondaire pour chaque école secondaire du conseil, calculé afin d'obtenir la somme liée aux nouvelles places pour le conseil pour un exercice antérieur.

(24) La disposition 19 du paragraphe 37 (10) du Règlement est modifiée par substitution de «disposition 18.3 ou 18.4, selon le cas,» à «disposition 18».

(25) Le paragraphe 37 (52) du Règlement est modifié par substitution de ce qui suit au passage qui précède l'alinéa a) :

(52) Pour l'application des dispositions 15, 16.1, 17 et 18.1 du paragraphe (3) et des dispositions 14, 14.1, 16 et 16.1 du paragraphe (9), la capacité d'accueil d'une école élémentaire ou d'une école secondaire est calculée :

6. (1) La disposition 4 du paragraphe 39 (4) du Règlement est abrogée.

(2) La sous-disposition 1 iv du paragraphe 39 (5) du Règlement est abrogée.

(3) La disposition 2 du paragraphe 39 (5) du Règlement est abrogée et remplacée par ce qui suit :

2. Soustraire du total obtenu en application de la disposition 1 le produit obtenu en multipliant l'effectif quotidien moyen de jour des élèves du conseil pour 2003-2004 par la somme indiquée dans la colonne 2 du tableau 12 en regard du nom du conseil dans la colonne 1 de ce tableau.

7. Les dispositions 15 et 16 du paragraphe 41 (5) du Règlement sont abrogées et remplacées par ce qui suit :

15. Prendre la part du total des sommes calculées pour chaque école élémentaire éloignée du conseil en application de la disposition 1 du paragraphe 29 (3) qui est imputable aux dépenses liées aux classes.
16. Prendre la part du total des sommes calculées pour chaque école secondaire éloignée du conseil en application de la disposition 2 du paragraphe 29 (3) qui est imputable aux dépenses liées aux classes.

8. Le Règlement est modifié par adjonction de l'article suivant :

Somme affectée par le conseil scolaire de district aux écoles éloignées

42.1 (1) Sous réserve du paragraphe (2), le conseil scolaire de district fait en sorte que la somme qu'il affecte pendant l'exercice aux fins énoncées au paragraphe (4) pour les écoles du conseil qui sont des écoles éloignées au sens du paragraphe 29 (1) ne soit pas inférieure à l'excédent du total des sommes suivantes sur la part des économies liées au R.R.E.M.O. pour le conseil qui est imputable aux dépenses engagées aux fins énoncées au paragraphe (4) pour ces écoles :

1. La somme calculée par le conseil en application de la disposition 3 du paragraphe 29 (3).

2. Le plus élevé des nombres suivants :

- i. Le total des sommes complémentaires liées au fonctionnement des écoles éloignées de chacune des écoles élémentaires du conseil déduction faite du total des sommes calculées en application de la sous-disposition 15 xviii du paragraphe 37 (3) pour chaque école élémentaire du conseil qui est une de ses écoles élémentaires éloignées au sens du paragraphe 29 (1),

ii. 0.

3. Le plus élevé des nombres suivants :

- i. Le total des sommes complémentaires liées au fonctionnement des écoles éloignées de chacune des écoles secondaires du conseil déduction faite du total des sommes calculées en application de la sous-disposition 17 xiv du paragraphe 37 (3) pour chaque école secondaire du conseil qui est une de ses écoles secondaires éloignées au sens du paragraphe 29 (1),

ii. 0.

(2) Si la dépense nette que le conseil affecte à ses écoles éloignées pendant l'exercice est inférieure à la somme exigée en application du paragraphe (1), le conseil verse la différence dans son fonds de réserve pour les écoles éloignées.

(3) Pour l'application du présent article, la dépense nette qu'un conseil affecte à ses écoles éloignées pendant l'exercice est calculée de la manière suivante :

le 31 août 2004, immédiatement avant le virement prévu au paragraphe 233 (2) de la Loi, qui est imputable aux dépenses engagées aux fins énoncées au paragraphe (4) pour les écoles éloignées du conseil aux dépenses qu'il engage à ces fins pour ces écoles.

2. Déduire les sommes suivantes de la somme calculée en application de la disposition 1 :

- i. Les sommes éventuelles virées du fonds de réserve du conseil pour les écoles éloignées pendant l'exercice.
- ii. Les autres sommes éventuelles virées de réserves pendant l'exercice qui sont imputées aux fins énoncées au paragraphe (4) pour les écoles éloignées du conseil.
- iii. Les recettes éventuelles provenant d'autres sources que le conseil reçoit pendant l'exercice et qu'il affecte pendant cet exercice aux fins énoncées au paragraphe (4) pour les écoles éloignées du conseil.

(4) Les fins mentionnées au paragraphe (3) sont les suivantes :

1. Doter les écoles d'un personnel enseignant suffisant pour être en mesure d'offrir un programme d'études de qualité.
2. S'assurer que des adultes sont présents en permanence.
3. Acquérir des ressources et du matériel d'apprentissage.
4. Assumer les dépenses de fonctionnement des écoles éloignées.

(5) Le présent article ne doit pas être interprété de façon à limiter la somme que le conseil peut affecter aux fins énoncées au paragraphe (4) pour les écoles éloignées du conseil.

9. Le point 21 du tableau 10 du Règlement est modifié par substitution de «Renfrew County Catholic District School Board» à «Renfrew County District School Board» dans la colonne 1.

10. Le tableau 12 du Règlement est abrogé et remplacé par ce qui suit :

TABLE/TABLEAU 12
PER PUPIL EXCLUSION FOR DECLINING ENROLMENT ADJUSTMENT/
MONTANT PAR ÉLÈVE À EXCLURE DU REDRESSEMENT POUR BAISSÉ DES EFFECTIFS

Item/ Point	Column/Colonne 1 Name of Board/nom du conseil	Column/Colonne 2 Amount/Montant \$
1.	District School Board Ontario North East	346.79
2.	Algoma District School Board	307.23
3.	Rainbow District School Board	235.10
4.	Near North District School Board	222.49
5.	Keewatin-Patricia District School Board	386.35
6.	Rainy River District School Board	372.99
7.	Lakehead District School Board	175.86
8.	Superior-Greenstone District School Board	737.65
9.	Bluewater District School Board	177.81
10.	Avon Maitland District School Board	165.76
11.	Greater Essex County District School Board	158.27
12.	Lambton Kent District School Board	166.79
13.	Thames Valley District School Board	157.49
14.	Toronto District School Board	159.98
15.	Durham District School Board	158.28
16.	Kawartha Pine Ridge District School Board	159.03
17.	Trillium Lakelands District School Board	185.00
18.	York Region District School Board	158.99
19.	Simcoe County District School Board	158.11
20.	Upper Grand District School Board	163.21
21.	Peel District School Board	157.30
22.	Halton District School Board	159.42
23.	Hamilton-Wentworth District School Board	159.73
24.	District School Board of Niagara	159.91
25.	Grand Erie District School Board	160.12
26.	Waterloo Region District School Board	158.57
27.	Ottawa-Carleton District School Board	159.87
28.	Upper Canada District School Board	173.03
29.	Limestone District School Board	174.21

Item/ Point	Column/Colonne 1	Column/Colonne 2
	Name of Board/nom du conseil	Amount/Montant \$
30.	Renfrew County District School Board	204.86
31.	Hastings and Prince Edward District School Board	168.76
32.	Northeastern Catholic District School Board	364.29
33.	Nipissing-Parry Sound Catholic District School Board	212.87
34.	Huron-Superior Catholic District School Board	299.39
35.	Sudbury Catholic District School Board	204.05
36.	Northwest Catholic District School Board	374.62
37.	Kenora Catholic District School Board	207.90
38.	Thunder Bay Catholic District School Board	175.31
39.	Superior North Catholic District School Board	897.80
40.	Bruce-Grey Catholic District School Board	219.21
41.	Huron Perth Catholic District School Board	190.45
42.	Windsor-Essex Catholic District School Board	158.83
43.	English-language Separate District School Board No. 38	157.24
44.	St. Clair Catholic District School Board	175.36
45.	Toronto Catholic District School Board	157.15
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	164.73
47.	York Catholic District School Board	158.03
48.	Dufferin-Peel Catholic District School Board	158.34
49.	Simcoe Muskoka Catholic District School Board	162.52
50.	Durham Catholic District School Board	159.28
51.	Halton Catholic District School Board	158.16
52.	Hamilton-Wentworth Catholic District School Board	157.45
53.	Wellington Catholic District School Board	163.20
54.	Waterloo Catholic District School Board	158.67
55.	Niagara Catholic District School Board	159.80
56.	Brant Haldimand Norfolk Catholic District School Board	167.65
57.	Catholic District School Board of Eastern Ontario	178.14
58.	Ottawa-Carleton Catholic District School Board	158.19
59.	Renfrew County Catholic District School Board	232.33
60.	Algonquin and Lakeshore Catholic District School Board	187.98
61.	Conseil scolaire de district du Nord-Est de l'Ontario	919.65
62.	Conseil scolaire de district du Grand Nord de l'Ontario	734.69
63.	Conseil scolaire de district du Centre Sud-Ouest	547.24
64.	Conseil de district des écoles publiques de langue française n° 59	290.74
65.	Conseil scolaire de district catholique des Grandes Rivières	453.88
66.	Conseil scolaire de district catholique Franco-Nord	382.68
67.	Conseil scolaire de district catholique du Nouvel-Ontario	380.53
68.	Conseil scolaire de district catholique des Aurores boréales	819.53
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	280.81
70.	Conseil scolaire de district catholique Centre-Sud	325.83
71.	Conseil scolaire de district catholique de l'Est ontarien	240.74
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	237.98

11. Le point 3 du tableau 13 du Règlement est abrogé.

made under the
EDUCATION ACT

Made: August 27, 2003
Approved: August 28, 2003
Filed: August 28, 2003
Printed in *The Ontario Gazette*: September 13, 2003

Amending O. Reg. 138/03
(Calculation of Fees for Pupils for the 2003-2004 School Board Fiscal Year)

Note: Ontario Regulation 138/03 has not previously been amended.

1. (1) Subparagraph 4 i of subsection 3 (3) of Ontario Regulation 138/03 is amended by striking out “\$412” and substituting “\$428”.

(2) Paragraph 5 of subsection 3 (3) of the Regulation is revoked and the following substituted:

5. Add the total of the amounts determined for each distant elementary school of the board for the fiscal year under paragraph 1 of subsection 29 (3) of the grant regulation and the elementary school principals amount for the board for the fiscal year as determined under subsection 29 (14) of the grant regulation.

(3) Subparagraph 4 i of subsection 3 (4) of the Regulation is amended by striking out “\$666” and substituting “\$691”.

(4) Paragraph 5 of subsection 3 (4) of the Regulation is revoked and the following substituted:

5. Add the total of the amounts determined for each distant secondary school of the board for the fiscal year under paragraph 2 of subsection 29 (3) of the grant regulation and the secondary school principals amount for the board for the fiscal year as determined under subsection 29 (15) of the grant regulation.

Made by:

ELIZABETH WITMER
Minister of Education

Date made: August 27, 2003.

RÈGLEMENT DE L'ONTARIO 354/03

pris en application de la
LOI SUR L'ÉDUCATION

pris le 27 août 2003
approuvé le 28 août 2003
déposé le 28 août 2003
imprimé dans la *Gazette de l'Ontario* le 13 septembre 2003

modifiant le Règl. de l'Ont. 138/03
(Calcul des droits exigibles à l'égard des élèves pour l'exercice 2003-2004 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 138/03 n'a pas été modifié antérieurement.

1. (1) La sous-disposition 4 i du paragraphe 3 (3) du Règlement de l'Ontario 138/03 est modifiée par substitution de «428 \$» à «412 \$».

(2) La disposition 5 du paragraphe 3 (3) du Règlement est abrogée et remplacée par ce qui suit :

5. Additionner le total des sommes calculées, en application de la disposition 1 du paragraphe 29 (3) du règlement sur les subventions, pour chaque école élémentaire éloignée du conseil pour l'exercice, ainsi que la somme liée aux directeurs d'école élémentaire pour le conseil pour l'exercice, calculée en application du paragraphe 29 (14) du même règlement.

(3) La sous-disposition 4 i du paragraphe 3 (4) du Règlement est modifiée par substitution de «691 \$» à «666 \$».

(4) La disposition 5 du paragraphe 3 (4) du Règlement est abrogée et remplacée par ce qui suit :

5. Additionner le total des sommes calculées, en application de la disposition 2 du paragraphe 29 (3) du règlement sur les subventions, pour chaque école secondaire éloignée du conseil pour l'exercice, ainsi que la somme liée aux directeurs d'école secondaire pour le conseil pour l'exercice, calculée en application du paragraphe 29 (15) du même règlement.

Pris par :

ELIZABETH WITMER
Ministre de l'Éducation

Pris le : 27 août 2003.

37/03

ONTARIO REGULATION 355/03

made under the

EDUCATION ACT

Made: August 27, 2003

Filed: August 28, 2003

Printed in *The Ontario Gazette*: September 13, 2003

Amending O. Reg. 446/98
(Reserve Funds)

Note: Ontario Regulation 446/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Ontario Regulation 446/98 is amended by adding the following section:

DISTANT SCHOOLS RESERVE FUND

6. (1) A district school board shall establish a reserve fund for the sole purpose of funding expenditures by the board for the following purposes in respect of distant schools of the board:

1. To ensure sufficient teaching staff to provide quality curriculum.
2. To provide for full-time adult presence.
3. To acquire learning resources and materials.
4. To meet the operational costs of distant schools.

(2) In this section,

“distant school” means a school of the board that is either,

- (a) an elementary school in which pupils were enrolled in day school programs in the 2003-2004 school year and that is not located on any of the Toronto Islands but is located,
 - (i) at least 8.0 kilometres by road, accurate to the nearest 0.1 kilometre, from every other elementary school of the board in which pupils were enrolled in day school programs in the 2003-2004 school year, or
 - (ii) on Amherst Island, Pelee Island or Wolfe Island, or
- (b) a secondary school in which pupils were enrolled in day school programs in the 2003-2004 school year and that is not located on any of the Toronto Islands but is located,

board in which pupils were enrolled in day school programs in the 2003-2004 school year, or

(ii) that is the only secondary school operated by the board; ("école éloignée")

"elementary school" means an elementary school of the board that has been identified as an elementary school in accordance with the Ministry publication entitled "Data Collection Instruction Guide for the School Facilities Inventory Database", dated January 1998 and available for public inspection at the offices of the Ministry of Education, 900 Bay Street, Toronto, Ontario, M7A 1L2; ("école élémentaire")

"secondary school" means a secondary school of the board that has been identified as a secondary school in accordance with the Ministry publication entitled "Data Collection Instruction Guide for the School Facilities Inventory Database", dated January 1998 and available for public inspection at the offices of the Ministry of Education, 900 Bay Street, Toronto, Ontario, M7A 1L2. ("école secondaire")

(3) A district school board shall allocate to the reserve fund established under subsection (1) the amount required by subsection 42.1 (2) of Ontario Regulation 139/03.

Made by:

ELIZABETH WITMER
Minister of Education

Date made: August 27, 2003.

RÈGLEMENT DE L'ONTARIO 355/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 27 août 2003

déposé le 28 août 2003

imprimé dans la *Gazette de l'Ontario* le 13 septembre 2003

modifiant le Règl. de l'Ont. 446/98
(Fonds de réserve)

Remarque : Le Règlement de l'Ontario 446/98 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. Le Règlement de l'Ontario 446/98 est modifié par adjonction du paragraphe suivant :

FONDS DE RÉSERVE POUR LES ÉCOLES ÉLOIGNÉES

6. (1) Le conseil scolaire de district constitue un fonds de réserve à la seule fin de financer les dépenses qu'il engage pour ses écoles éloignées dans les buts suivants :

1. Les doter d'un personnel enseignant suffisant pour être en mesure d'offrir un programme d'études de qualité.
2. S'assurer que des adultes sont présents en permanence.
3. Acquérir des ressources et du matériel d'apprentissage.
4. Assumer les dépenses de fonctionnement des écoles éloignées.

(2) Les définitions qui suivent s'appliquent au présent article.

«école élémentaire» École élémentaire du conseil identifiée comme telle conformément à la publication de janvier 1998 du ministère intitulée «Guide de collecte des données pour le système d'inventaire des installations scolaires» et que le public peut consulter aux bureaux du ministère de l'Éducation, au 900, rue Bay, Toronto (Ontario) M7A 1L2 («elementary school»);

«école éloignée» École du conseil qui est :

- a) soit une école élémentaire où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004 et qui n'est pas située sur l'une ou l'autre des îles de Toronto mais, selon le cas :
- (i) à au moins 8 kilomètres, à 100 mètres près, par route des autres écoles élémentaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004,
 - (ii) sur l'île Amherst, Pelée ou Wolfe;
- b) soit une école secondaire où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004 et qui n'est pas située sur l'une ou l'autre des îles de Toronto mais, selon le cas :
- (i) est située à au moins 32 kilomètres, à 100 mètres près, par route des autres écoles secondaires du conseil où des élèves étaient inscrits à des programmes scolaires de jour pendant l'année scolaire 2003-2004,
 - (ii) est la seule école secondaire qui relève du conseil. («distant school of the board»)
- «école secondaire» École secondaire du conseil identifiée comme telle conformément à la publication de janvier 1998 du ministère intitulée «Guide de collecte des données pour le système d'inventaire des installations scolaires» et que le public peut consulter aux bureaux du ministère de l'Éducation, au 900, rue Bay, Toronto (Ontario) M7A 1L2 («secondary school»);
- (3) Le conseil scolaire de district verse au fonds de réserve constitué en application du paragraphe (1) la somme prévue par le paragraphe 42.1(2) du Règlement de l'Ontario 139/03.

Pris par :

ELIZABETH WITMER
Ministre de l'Éducation

Pris le : 27 août 2003.

37/03

ONTARIO REGULATION 356/03

made under the

PERSONAL PROPERTY SECURITY ACT

Made: August 28, 2003

Filed: August 28, 2003

Printed in *The Ontario Gazette*: September 13, 2003

INABILITY TO OPERATE REGISTRATION SYSTEM

Priorities, general rule

1. Despite subsection 30 (6) of the Act, if a security interest that had been perfected by registration became unperfected in the time period set out in Column 1 of the following Table, the security interest shall be deemed to have been continuously perfected from the time of first perfection if the security interest is again perfected by registration on or before the date set out opposite it in Column 2:

TABLE
DEADLINES FOR RE-REGISTRATION OF SECURITY INTEREST

Column 1	Column 2
Time Period during which the Security Interest became Unperfected	Deadline for Re-registration
between March 13, 2002 and May 8, 2002	May 23, 2002
between August 14, 2003 and August 24, 2003	September 8, 2003

2. (1) Despite subsections 33 (1) and (2) of the Act, the time for perfecting a purchase-money security interest by registration and for giving the notices required by subsection 33 (1) of the Act is extended until June 6, 2002 if,

- (a) the collateral subject to the purchase-money security interest is not an intangible and, between March 3, 2002 and May 8, 2002, the debtor obtained possession of the collateral or a third party, at the request of the debtor, obtained or held possession of the collateral; or
- (b) the collateral subject to the purchase-money security interest is an intangible and the purchase-money security interest attached between March 3, 2002 and May 8, 2002.

(2) Despite subsections 33 (1) and (2) of the Act, the time for perfecting a purchase-money security interest by registration and for giving the notices required by subsection 33 (1) of the Act is extended until September 19, 2003 if,

- (a) the collateral subject to the purchase-money security interest is not an intangible and, between August 4, 2003 and September 9, 2003, the debtor obtained possession of the collateral or a third party, at the request of the debtor, obtained or held possession of the collateral; or
- (b) the collateral subject to the purchase-money security interest is an intangible and the purchase-money security interest attached between August 4, 2003 and September 9, 2003.

(3) A purchase-money security interest to which subsection (1) or (2) applies shall be deemed to have the priority given by subsection 33 (1) or (2) of the Act, as the case may be, if, within the extended period mentioned in subsection (1) or (2), as the case may be, the purchase-money security interest is perfected by registration and the notices required by subsection 33 (1) of the Act are given.

Consumer goods, duty of secured party to discharge

3. If the 30-day period for registering a financing change statement mentioned in clause 57 (1) (a) of the Act expired in the time period set out in Column 1 of the following Table, the period for registering the financing change statement is extended until the date set out opposite it in Column 2:

TABLE
DEADLINES FOR REGISTERING A FINANCING CHANGE STATEMENT

Column 1	Column 2
Time Period during which the 30-day Period for Registering a Financing Change Statement mentioned in clause 57 (1) (a) of the Act expired	Date of Extension
between March 13, 2002 and May 8, 2002	May 23, 2002
between August 14, 2003 and August 24, 2003	September 4, 2003

4. Ontario Regulation 150/02 is revoked.

RÈGLEMENT DE L'ONTARIO 356/03

pris en application de la

LOI SUR LES SÛRETÉS MOBILIÈRES

pris le 28 août 2003

déposé le 28 août 2003

imprimé dans la *Gazette de l'Ontario* le 13 septembre 2003

IMPOSSIBILITÉ DE FAIRE FONCTIONNER LE RÉSEAU D'ENREGISTREMENT

Règles de priorité

1. Malgré le paragraphe 30 (6) de la Loi, la sûreté rendue opposable par enregistrement puis devenue inopposable pendant la période énoncée à la colonne 1 du tableau qui suit est réputée avoir été opposable sans interruption depuis le moment où elle a initialement été rendue opposable si elle est rendue de nouveau opposable par enregistrement au plus tard à la date énoncée en regard à la colonne 2 :

TABLEAU
ÉCHÉANCES POUR LE NOUVEL ENREGISTREMENT DE LA SÛRETÉ

Colonne 1	Colonne 2
Période pendant laquelle la sûreté est devenue inopposable	Échéance pour le nouvel enregistrement
Entre le 13 mars 2002 et le 8 mai 2002	Le 23 mai 2002
Entre le 14 août 2003 et le 24 août 2003	Le 8 septembre 2003

Sûreté en garantie du prix d'acquisition

2. (1) Malgré les paragraphes 33 (1) et (2) de la Loi, le délai imparti pour rendre la sûreté en garantie du prix d'acquisition opposable par enregistrement et pour donner les avis exigés au paragraphe 33 (1) de la Loi est prorogé jusqu'au 6 juin 2002 :

- a) soit si le bien grevé sur lequel porte la sûreté en garantie du prix d'acquisition n'est pas un bien immatériel et que, entre le 3 mars 2002 et le 8 mai 2002, le débiteur est entré en possession de ce bien ou qu'un tiers, à la demande du débiteur, est entré en possession du même bien ou l'avait en sa possession;
- b) soit si le bien grevé sur lequel porte la sûreté en garantie du prix d'acquisition est un bien immatériel et que celle-ci le grevait entre le 3 mars 2002 et le 8 mai 2002.

(2) Malgré les paragraphes 33 (1) et (2) de la Loi, le délai imparti pour rendre la sûreté en garantie du prix d'acquisition opposable par enregistrement et pour donner les avis exigés au paragraphe 33 (1) de la Loi est prorogé jusqu'au 19 septembre 2003 :

- a) soit si le bien grevé sur lequel porte la sûreté en garantie du prix d'acquisition n'est pas un bien immatériel et que, entre le 4 août 2003 et le 9 septembre 2003, le débiteur est entré en possession de ce bien ou qu'un tiers, à la demande du débiteur, est entré en possession du même bien ou l'avait en sa possession;
- b) soit si le bien grevé sur lequel porte la sûreté en garantie du prix d'acquisition est un bien immatériel et que celle-ci le grevait entre le 4 août 2003 et le 9 septembre 2003.

(3) La sûreté en garantie du prix d'acquisition à laquelle s'applique le paragraphe (1) ou (2) est réputée avoir la priorité accordée par le paragraphe 33 (1) ou (2) de la Loi, selon le cas, si, dans le délai prorogé imparti au paragraphe (1) ou (2), selon le cas, elle est rendue opposable par enregistrement et que sont donnés les avis exigés au paragraphe 33 (1) de la Loi.

Devoir du créancier garanti de donner mainlevée

3. Si le délai de 30 jours imparti pour enregistrer l'état de modification du financement visé à l'alinéa 57 (1) a) de la Loi expire pendant la période énoncée à la colonne 1 du tableau qui suit, il est prorogé jusqu'à la date énoncée en regard à la colonne 2 :

TABLEAU
ÉCHÉANCES POUR ENREGISTRER L'ÉTAT DE MODIFICATION DU FINANCEMENT

Colonne 1	Colonne 2
Période pendant laquelle expire le délai de 30 jours imparti pour enregistrer l'état de modification du financement visé à l'alinéa 57 (1) a) de la Loi	Fin de la prorogation
Entre le 13 mars 2002 et le 8 mai 2002	Le 23 mai 2002
Entre le 14 août 2003 et le 24 août 2003	Le 4 septembre 2003

4. Le Règlement de l'Ontario 150/02 est abrogé.

made under the
ONTARIO WATER RESOURCES ACT

Made: August 28, 2003
Filed: August 29, 2003
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Amending O. Reg. 153/03
(Use of Water from the Niagara Escarpment or Oak Ridges Moraine in
Manufacturing or Production)

Note: Ontario Regulation 153/03 has not previously been amended.

1. Section 5 of Ontario Regulation 153/03 is revoked and the following substituted:

Application

5. This Regulation does not apply after March 1, 2004.

37/03

ONTARIO REGULATION 358/03
made under the
MUNICIPAL ELECTIONS ACT, 1996

Made: August 28, 2003
Filed: August 29, 2003
Printed in *The Ontario Gazette*: September 13, 2003

**TRANSITIONAL ELECTION PROVISIONS — TOWN OF MIDLAND/TOWNSHIP OF TINY
ANNEXATION**

Definition

1. In this Regulation,

“annexation” means the annexation of a portion of the Township of Tiny to the Town of Midland effective January 1, 2004 provided for in Part VIII of the *County of Simcoe Act, 1993* as continued by section 474.9 of the *Municipal Act, 2001*.

2003 regular election

2. (1) The 2003 regular election under the *Municipal Elections Act, 1996* shall be conducted as if the annexation had already occurred.

(2) The clerk of the Township of Tiny and the clerk of the Town of Midland shall revise their voters’ lists to reflect subsection (1) and shall ensure each affected person is notified of the revisions, the reasons for the revisions and the procedures under sections 24 and 25 of the Act.

Deficit, surplus

3. A person who is entitled to be an elector under section 17 of the Act in respect of the annexed area and who is nominated for an office on the council of the Town of Midland is entitled to,

- (a) carry forward, for the purpose of clause 79 (3) (b) of the Act, any deficit accumulated in a campaign for an office on the council of the Township of Tiny in the previous regular election or in an intervening by-election; and
- (b) receive payment, under subsection 79 (8) of the Act, of any surplus accumulated in such a campaign.

Made by:

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Date made: August 28, 2003.

37/03

ONTARIO REGULATION 359/03

made under the

PLANNING ACT

Made: August 29, 2003

Filed: August 29, 2003

Printed in *The Ontario Gazette*: September 13, 2003

ZONING AREA — TOWN OF FORT ERIE

Application

1. This Order applies to land in the Town of Fort Erie in The Regional Municipality of Niagara, being the land outlined in red on a map numbered 212 and identified by stamp of the Registrar of Regulations on August 29, 2003 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Use of land

2. (1) Every use of land and the erection, location and use of any building or structure is prohibited on the land described in section 1 except,

- (a) conservation and management of plant and wildlife;
 - (b) buildings or structures intended for flood and erosion control;
 - (c) public utilities; and
 - (d) uses, buildings and structures lawfully in existence on the date this Order comes into force.
- (2) Additions to and the extension or enlargement of any building or structure is prohibited.

Conditions

3. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Revocation

4. This Regulation is revoked on August 29, 2004.

Made by:

DAVID STUART YOUNG
Minister of Municipal Affairs and Housing

Date made: August 29, 2003.

37/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—09—20

ONTARIO REGULATION 360/03

made under the

ONTARIO HOME PROPERTY TAX RELIEF FOR SENIORS ACT, 2003

Made: September 2, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

GENERAL

Definitions

1. In this Regulation,

“cohabiting spouse or common-law partner” has the same meaning as in section 122.6 of the *Income Tax Act* (Canada);

“life lease development” means land with self-contained units organized as what is commonly known as a life lease project, in which a right to occupy a unit is solely for the lifetime of an individual or for a term of at least 20 years;

“life lease interest” means the exclusive right to occupy a housing unit in a life lease development;

“rent”,

(a) includes any amount that would be included under subsection 8 (14) of the *Income Tax Act* in determining the amount of rent paid for the purposes of section 8 of that Act, and

(b) excludes all amounts, if any, paid on account of meals;

“trustee” includes, in respect of an eligible senior, an attorney under a power of attorney given by the eligible senior, a statutory guardian of property of the eligible senior under the *Substitute Decisions Act, 1992*, an executor or administrator of the estate of the eligible senior, if the eligible senior is deceased, and a person who,

(a) owns or leases a housing unit in trust for occupation by the eligible senior,

(b) holds a right to occupy a housing unit in trust for occupation by the eligible senior, or

(c) pays on behalf of the eligible senior an amount included in the calculation of the eligible senior’s tax credit under the Act.

Eligible principal residence

2. (1) For the purposes of the application of the definition of “principal residence” in subsection 8 (1) of the *Income Tax Act* for the purposes of the definition of “eligible principal residence” in section 1 of the *Ontario Home Property Tax Relief for Seniors Act, 2003*, the reference to a housing unit being designated in the prescribed manner as an individual’s principal residence for a taxation year means,

(a) designating the housing unit as a principal residence for the year for the purposes of section 8 of the *Income Tax Act* as part of a claim for a property tax credit for the year under that section, if the designation and the claim for the property tax credit for the year are made before an application is made for a tax credit for the year under the *Ontario Home Property Tax Relief for Seniors Act, 2003*; or

(b) designating the housing unit as a principal residence for the year in an application for a tax credit under the *Ontario Home Property Tax Relief for Seniors Act, 2003*.

(2) An eligible principal residence includes a unit in a hotel or motel that is occupied by an eligible senior as his or her principal place of residence.

(3) If an eligible senior occupies an eligible principal residence at the time he or she dies, the residence is deemed to continue to be an eligible principal residence of the deceased for the rest of the year in which the death occurred if no one occupies the residence as a principal residence during the rest of the year except a person who was, at the time of the death, the eligible senior’s cohabiting spouse or common-law partner.

Prescribed amounts

3. Each of the following is prescribed as another amount for the purposes of subparagraph 3 iii of subsection 2 (3) of the Act:

1. A payment for the right to occupy a unit in a hotel or motel, excluding any portion of the payment that is on account of meals.
2. An amount paid on account of home property taxes in respect of,
 - i. a lease of the land on which an eligible principal residence is situated, or
 - ii. a life lease interest in an eligible principal residence.

Eligible senior

4. (1) For the purposes of subsection 2 (3) of the Act,

- (a) in the case of an application made under subsection 4 (1) of the Act, an individual must be a Canadian citizen at the time of the application or have been lawfully admitted for permanent residence in Canada at the time of the application in order to be an eligible senior for the year; or
- (b) in the case of an application made under subsection 4 (2) of the Act, the individual must have been a Canadian citizen or have been lawfully admitted for permanent residence in Canada at the time of death of the individual.

(2) For the purposes of subsection 2 (4) of the Act, an individual is an eligible senior for a year if,

- (a) the individual is at least 65 years of age on or before December 31 of the year;
- (b) the individual has one or more eligible principal residences in the year;
- (c) the individual,
 - (i) is a Canadian citizen at the time of the application or has been lawfully admitted for permanent residence in Canada at the time of the application in the case of an application made under subsection 4 (1) of the Act, or
 - (ii) was a Canadian citizen or had been lawfully admitted for permanent residence in Canada at the time of death of the individual in the case of an application made under subsection 4 (2) of the Act; and
- (d) a trustee or the cohabiting spouse or common-law partner of the individual is liable to pay in the year,
 - (i) home property tax on a housing unit that is an eligible principal residence of the individual,
 - (ii) rent for the right of the individual to occupy a housing unit that is an eligible principal residence of the individual, or
- (iii) an amount described in section 3 in respect of an eligible principal residence of the individual.

Calculation of the amount of the tax credit

5. (1) For the purposes of subsection 3 (1) of the Act and subject to subsection (2), the amount of the tax credit to which an eligible senior is entitled for a year is the sum of such of the following amounts as apply to the eligible senior for the year or portion of the year:

1. If the eligible senior is an owner of an eligible principal residence, an amount equal to the home property taxes paid for the year or portion of the year for the eligible principal residence.
2. If the eligible senior is a tenant of an eligible principal residence, 2.5 per cent of the rent paid for the year or portion of the year for the eligible principal residence.
3. If the eligible senior occupies a unit in a hotel or motel as an eligible principal residence, 2.5 per cent of the amount described in paragraph 1 of section 3 paid for occupation of the unit for the year or portion of the year.
4. If the eligible senior leases the land on which his or her eligible principal residence is situated or holds a life lease interest, the amount that reasonably approximates the home property taxes payable on the land or in respect of the life lease interest for the year or portion of the year in which the eligible senior leases the land or holds the life lease interest.

(2) The home property taxes, rent or other payment provided for under section 3 for an eligible principal residence occupied by an eligible senior in a year with another person shall be allocated to each of them according to the beneficial ownership of each of them in the eligible principal residence or according to the portion of rent or other payment that was paid in respect of the occupation of the eligible principal residence by each of them in the year.

(3) If an application is made under section 4 of the Act for the year in which an eligible senior dies and a property is deemed under subsection 2 (3) to continue to be the eligible principal residence of the eligible senior after his or her death, no

Notification of Minister's determination

6. For the purposes of subsection 4 (4) of the Act, the Minister shall give the applicant written notice of the amount of the tax credit to which the applicant is entitled as determined by the Minister and shall notify the applicant of his or her right to object under subsection 4 (5) of the Act in accordance with section 7.

Objection

7. (1) For the purposes of subsection 4 (5) of the Act, an applicant for a tax credit under the Act may object to the determination of the Minister by delivering to the Minister a notice of objection in a form approved by the Minister, setting out the reasons for the objection and all relevant facts.

(2) A notice of objection must be delivered to the Minister within 180 days after the date of the notice referred to in section 6.

(3) A notice of objection under this section must be delivered to the Minister by being sent by mail, courier service or personal delivery, but the Minister may accept a notice of objection under this section even though it was not delivered in the manner required.

(4) On receiving a notice of objection, the Minister shall forthwith reconsider the determination objected to and confirm, vary or reverse the determination and the Minister shall then notify the person making the objection of his or her decision in writing.

Review on question of law

8. (1) A decision of the Minister under section 7 is final and is not subject to appeal unless the decision involves,

- (a) the interpretation of a provision of the Act, this Regulation or another regulation made under the Act;
- (b) the interpretation of a provision of the *Income Tax Act* or a regulation made under it that is relevant in determining the eligibility of an individual to receive a tax credit under the *Ontario Home Property Tax Relief for Seniors Act, 2003* or the amount of the tax credit; or
- (c) an issue solely of law in which no material facts are in dispute, or the proper inference to be drawn from material facts that are not in dispute.

(2) In any dispute over the decision of the Minister that may be appealed under subsection (1), the applicant who made the objection may apply to the Minister within 180 days of the date of the Minister's notice under subsection 7 (4), setting out the issues in dispute and requesting that the Minister agree in writing as to the undisputed facts.

(3) Where the Minister and the applicant agree on the facts, the Minister shall apply to the Superior Court of Justice to have the issue in dispute determined.

(4) Subject to subsection (5), the applicant may make an application to the Superior Court of Justice to have the issue in dispute determined if,

- (a) the Minister and the applicant have not agreed on the facts within 180 days after the date the applicant made the request to the Minister under subsection (2); or
- (b) the Minister and the applicant have agreed on the facts or there are no material facts in dispute and the Minister has not made an application to the court within 180 days after the day on which the person made the request to the Minister under subsection (2).

(5) No application to the court may be made by the applicant under subsection (4) on or after the day that is one year from the day on which the applicant made the request to the Minister under subsection (2).

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: September 2, 2003.

38/03

ONTARIO REGULATION 361/03

made under the

INCOME TAX ACT

Made: September 2, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

SENIORS PROPERTY TAX CREDIT

Property tax credit if occupancy cost less than \$556

1. (1) This section applies for the purposes of determining the amount of a senior's property tax credit under subsection 8 (3.1) of the Act for the 2003 or a subsequent taxation year if,

- (a) the senior's occupancy cost for the taxation year is less than \$556; and
- (b) the senior or his or her cohabiting spouse or common-law partner is entitled to a tax credit for the taxation year under the *Ontario Home Property Tax Relief for Seniors Act, 2003*.

(2) The amount for a taxation year for the purposes of the definition of "B" in subclause 8 (3.1) (a) (i) of the Act is the amount calculated using the formula,

$$C \times D$$

in which,

"C" is the amount equal to the lesser of,

- (a) 1.0, and
- (b) the greater of 1/1.1 and the amount calculated for the taxation year under subsection (3); and

"D" is the total of all tax credits under the *Ontario Home Property Tax Relief for Seniors Act, 2003* to which the senior and his or her cohabiting spouse or common-law partner are entitled for the taxation year.

(3) The amount calculated under this subsection for the purposes of clause (b) of the definition of "C" in subsection (2), is the amount calculated using the formula,

$$(E + D - 500)/(1.1 \times D)$$

in which,

"E" is the senior's occupancy cost for the taxation year, and

"D" has the same meaning as in subsection (2).

Individual's occupancy cost if former cohabiting spouse or partner was a senior

2. (1) This section applies for the purposes of determining an individual's property tax credit under subsection 8 (3) of the Act for the 2003 or a subsequent taxation year if a person who was the individual's cohabiting spouse or common-law partner at any time in the taxation year was entitled to a tax credit under the *Ontario Home Property Tax Relief for Seniors Act, 2003* for that year and the spouse or partner,

- (a) died in the taxation year; or
- (b) is living separate and apart from the individual at the end of the taxation year.

(2) The amount of the individual's occupancy cost for a taxation year as otherwise determined for the purposes of subsection 8 (3) of the Act shall be reduced by the amount of the tax credit under the *Ontario Home Property Tax Relief for Seniors Act, 2003* to which the spouse or partner is entitled for the taxation year.

(3) Despite subsection (2), if the amount of the individual's occupancy cost for the taxation year before any reduction under that subsection would be less than \$278, the amount of the individual's occupancy cost for the taxation year shall be reduced instead by the amount calculated using the formula,

$$F \times G$$

in which,

"F" is the amount equal to the lesser of,

- (a) 1.0, and
- (b) the greater of 1/1.1 and the amount calculated for the taxation year under subsection (4), and

(4) The amount calculated under this subsection for the purposes of clause (b) of the definition of "F" in subsection (3) is the amount calculated using the formula,

$$(H + I - \$250)/(1.1 \times G)$$

in which,

"H" is the individual's occupancy cost for the taxation year before any reduction under subsection (2) or (3), and

"G" has the same meaning as in subsection (3).

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: September 2, 2003.

38/03

ONTARIO REGULATION 362/03

made under the

ASSESSMENT ACT

Made: August 28, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Paragraph 1 of subsection 3 (1) of Ontario Regulation 282/98 is amended by adding the following subparagraph:

xi. land that is a municipally-licensed rooming house.

JANET LYNNE ECKER
Minister of Finance

Dated on August 28, 2003.

38/03

ONTARIO REGULATION 363/03

made under the

ASSESSMENT ACT

Made: August 28, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Paragraph 1 of section 2 of Ontario Regulation 282/98 is revoked and the following substituted:

1. The residential property class.

(2) Paragraph 6 of section 2 of the Regulation is revoked and the following substituted:

6. The farm property class.

2. (1) Subsection 3 (1) of the Regulation is amended by striking out “residential/farm property class” in the portion before paragraph 1 and substituting “residential property class”.

(2) Subparagraph 2 i of subsection 3 (1) of the Regulation is amended by striking out “farmlands property class” and substituting “farm property class”.

(3) Paragraph 3 of subsection 3 (1) of the Regulation is amended by striking out “farmlands property class” and substituting “farm property class”.

(4) Subsection 3 (2) of the Regulation is revoked and the following substituted:

(2) Land described in subparagraph iv or v of paragraph 1 of subsection (1) is included in the residential/farm property class for 1999, 2000, 2001 or 2002 or in the residential property class for 2003 or a later taxation year only if the land was included in the residential/farm property class for the 1998 taxation year under subparagraph iv or v of paragraph 1 of subsection (1) as it read on December 31, 2002.

(5) Subsection 3 (5) of the Regulation is amended by striking out “residential/farm property class” and substituting “residential property class”.

(6) Subsection 3 (6) of the Regulation is revoked.

3. Paragraph 1 of subsection 4 (1) of the Regulation is amended by striking out “residential/farm property class” and substituting “residential property class”.

4. (1) Subsection 8 (1) of the Regulation is amended by striking out “farmlands property class” and substituting “farm property class”.

(2) Subparagraph 3 vi of subsection 8 (2) of the Regulation is revoked and the following substituted:

- vi. a corporation that does not issue shares and does not have members.

(3) Section 8 of the Regulation is amended by adding the following subsection:

(4.1) Despite subsection (2), land used for farming, including outbuildings, is farmland for 2003 or a subsequent taxation year if,

- (a) the land is owned by Her Majesty in right of Canada or a province, a Crown agent, a corporation owned, controlled or operated by the Crown, a municipality or a local board;
- (b) a farming business, within the meaning of the *Farm Registration and Farm Organizations Funding Act, 1993*, is carried out on the land by a tenant of the land;
- (c) subsection 19 (5) of the Act applies to the land for the taxation year; and
- (d) the provisions of paragraphs 7 and 8 of subsection (2) are satisfied in respect of the land for the taxation year.

5. (1) Subsection 8.1 (1) of the Regulation is revoked and the following substituted:

(1) With respect to the 2001 and 2002 taxation years, land located in the city, regional municipality, geographic county or district set out in Column 1 of the Table to this section belongs to the farmlands property class only if the owner has complied with this section and section 8.

of the table to this section belongs to the farm property class only if the owner has complied with this section and section 8.

(2) Subsection 8.1 (2) of the Regulation is amended by striking out "farmlands property class" and substituting "farmlands property class or farm property class".

(3) Subsection 8.1 (3) of the Regulation is amended by striking out "city, regional municipality, geographic county" and substituting "municipality".

(4) Subsection 8.1 (3.1) of the Regulation is revoked and the following substituted:

(3.1) Subject to subsection (4), if an application has been made under subsection (3) and the applicant's land has been classified as belonging to the farmlands property class for a taxation year before 2003 or to the farm property class for the 2003 or a subsequent taxation year, no application need be made to have the land classified as belonging to the farm property class for taxation years after 2002.

(5) Subsection 8.1 (4) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(4) If either of the following changes occurs after the date the application was required under subsection (3) and before August 31 of the following year or during any subsequent 12-month period, an owner whose land is classified as belonging to the farmlands property class under this Regulation, as it read before January 1, 2003, or the farm property class shall notify the Administrator on or before the September 1 following the change:

.

6. Section 16 of the Regulation is amended by striking out "residential/farm property class" and substituting "residential property class".

7. Paragraph 1 of subsection 19 (1) of the Regulation is revoked and the following substituted:

1. The residential property class.

8. Subsection 30 (1) of the Regulation is revoked and the following substituted:

(1) A person who has received a notice of assessment under the Act in respect of land that is not classified in the farm property class may request, under subsection 39.1 (1) of the Act, a reconsideration as to whether the land should be classified in the farm property class, but the request must be made to the Administrator and not to the assessment commissioner.

9. (1) Section 31 of the Regulation is amended by striking out "farmlands property class" in the portion before paragraph 1 and substituting "farm property class".

(2) Paragraph 2 of section 31 of the Regulation is amended by striking out "farmlands property class" and substituting "farm property class".

(3) Paragraph 3 of section 31 of the Regulation is amended by striking out "farmlands property class" and substituting "farm property class".

10. Section 32 of the Regulation is amended by adding the following subsection:

(3) In this section,

"farmlands property class" means the farmlands property class under section 2 as it read on December 31, 2002.

11. This Regulation shall be deemed to have come into force on January 1, 2003.

JANET LYNNE ECKER
Minister of Finance

Dated on August 28, 2003.

ONTARIO REGULATION 364/03

made under the

EDUCATION ACT

Made: August 28, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 400/98

(Tax Matters — Tax Rates for School Purposes)

Note: Ontario Regulation 400/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Table 13 of Ontario Regulation 400/98 is amended by adding “0.00957009” opposite “The Archipelago, Township of” under the column heading “Industrial Property Class”.

JANET LYNNE ECKER
Minister of Finance

Date made: August 28, 2003.

38/03

ONTARIO REGULATION 365/03

made under the

MUNICIPAL ACT, 2001

Made: August 28, 2003

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Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 422/02

(Tax Matters — Time Limits for 2003 under Sections 308, 310, 311, 314 and 362 of the Act)

Note: Ontario Regulation 422/02 has not previously been amended.

1. Section 3 of Ontario Regulation 422/02 is revoked and the following substituted:

Extension of time

3. Despite section 2, the time for passing a by-law under subsection 308 (4) of the Act for 2003 is extended to September 30, 2003 for the Municipality of Charlton and Dack, the Township of The Archipelago, the Municipality of Greenstone, the Township of Manitouwadge, the Town of Smith Falls and the City of Thunder Bay.

JANET LYNNE ECKER
Minister of Finance

Dated on August 28, 2003.

38/03

made under the
MUNICIPAL ACT, 2001

Made: August 28, 2003
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Amending O. Reg. 703/98
(Tax Matters — Transition Ratios and Average Transition Ratios for Restructured Municipalities)

Note: Ontario Regulation 703/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 2 of Ontario Regulation 703/98 is revoked and the following substituted:

2. (1) The transition ratios set out in Table 5 are prescribed under subsection 308 (10) of the Act for the restructured municipalities set out in Table 5.

(2) If no transition ratio is set out in Table 5 for a property class for a municipality, the upper limit of the allowable range of fairness for tax ratios prescribed for the property class is prescribed as the transition ratio.

(3) The transition ratios for a restructured municipality set out in Table 5 apply with respect to 2003.

2. The Regulation is amended by adding the following Table:

TABLE 5

TRANSITION RATIOS FOR 2003 FOR RESTRUCTURED MUNICIPALITIES

Restructured Municipality	Transition Ratios			
	Multi-residential property class	Commercial property class	Industrial property class	Pipeline property class
Charlton and Dack, Municipality of		1.286070	1.673627	0.936304

JANET LYNNE ECKER
Minister of Finance

Date made: August 28, 2003.

38/03

ONTARIO REGULATION 367/03

made under the

MUNICIPAL ACT, 2001

Made: August 28, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 385/98

(Tax Matters — Transition Ratios and Average Transition Ratios)

Note: Ontario Regulation 385/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Ontario Regulation 385/98 is amended by adding the following section:

3. (1) The transition ratios set out in Table 3 are prescribed, for the purposes of subsection 308 (10) of the Act, for the municipalities set out in Table 3 for 2003.

(2) If no transition ratio is set out in Table 3 for a property class for a municipality, the upper limit of the allowable range for tax ratios prescribed for the property class is prescribed as the transition ratio for the purposes of subsection 308 (10) of the Act.

2. The Regulation is amended by adding the following Table:

TABLE 3

TRANSITION RATIOS FOR 2003

Municipality	Transition Ratios			
	Multi-residential property class	Commercial property class	Industrial property class	Pipeline property class
The Archipelago, Township of		1.0167	1.0167	

JANET LYNNE ECKER
Minister of Finance

Dated on August 28, 2003.

38/03

ONTARIO REGULATION 368/03

made under the

MUNICIPAL ACT, 2001

Made: August 29, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 73/03

(Tax Matters — Special Tax Rates and Limits, 2003 and Later Years)

Note: Ontario Regulation 73/03 has not previously been amended.

1. Ontario Regulation 73/03 is amended by adding the following Part:

PROPERTY EXEMPT FROM PART IX OF THE ACT

Casino Niagara

8.1 The property located in the City of Niagara Falls with the assessment roll number 2725 030 002 042 00 0000 is exempt from the application of Part IX of the Act.

JANET LYNNE ECKER
Minister of Finance

Dated on August 29, 2003.

38/03

ONTARIO REGULATION 369/03

made under the

PROVINCIAL LAND TAX ACT

Made: August 28, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 439/98

(Tax Rates under Section 21.1 of the Act for 1998 and Subsequent Years)

Note: Ontario Regulation 439/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Table 3 of Ontario Regulation 439/98 is amended by adding "0.00215711" opposite "Dryden Locality Education (assessment roll numbers beginning with "6060")" under the column heading "Multi-Residential Property Class".

JANET LYNNE ECKER
Minister of Finance

Dated on August 28, 2003.

38/03

ONTARIO REGULATION 370/03

made under the

ASSESSMENT ACT

Made: September 2, 2003

Filed: September 2, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Ontario Regulation 282/98 is amended by adding the following section:

CURRENT VALUE OF HOTELS

45.3 For the purposes of subsection 19 (2.1) of the Act, where the current value of land used as a hotel is determined using the *pro forma* income capitalization approach to valuation, the following rules apply for 2003 and subsequent years:

1. Unless the assessment corporation can demonstrate that the use of a different percentage is appropriate in the circumstances for a particular hotel, the amount deductible for a year as management fees in determining the amount of the undistributed operating expenses of a hotel for a year shall not exceed 5 per cent of the total revenue of the hotel for the year.
2. Unless the assessment corporation can demonstrate that the use of a different percentage is appropriate in the circumstances for a particular hotel, the amount deductible for a year in respect of personal property in determining the current value of a hotel for a year shall not exceed 15 per cent of the capitalized net income of the hotel, including personal property.

2. This Regulation shall be deemed to have come into force on January 1, 2003.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: September 2, 2003.

38/03

ONTARIO REGULATION 371/03

made under the

ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT

Made: July 24, 2003

Filed: September 3, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending Reg. 890 of R.R.O. 1990
(General)

Note: Regulation 890 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subsection 10 (2.1) of Regulation 890 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

contributory earnings in any pay period are,

- (a) for a member whose normal retirement age is 65 years, 6 per cent of the contributory earnings which are equal to or less than the result obtained by dividing the Year's Maximum Pensionable Earnings by the number of pay periods in the year, plus 8.8 per cent of the balance of the contributory earnings; and
- (b) for a member whose normal retirement age is 60 years, 7.3 per cent of the contributory earnings which are equal to or less than the result obtained by dividing the Year's Maximum Pensionable Earnings by the number of pay periods in the year, plus 9.8 per cent of the balance of the contributory earnings.

2. This Regulation comes into force on January 1, 2004.

38/03

ONTARIO REGULATION 372/03

made under the

ONTARIO DRUG BENEFIT ACT

Made: August 6, 2003

Filed: September 4, 2003

Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 201/96
(General)

Note: Ontario Regulation 201/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Clause 9 (2) (b) of Ontario Regulation 201/96 is amended by adding "subject to subsection (3)," at the beginning.

(2) Section 9 of the Regulation is amended by adding the following subsection:

(3) An extemporaneous preparation described in clause (2) (b) is not designated as a pharmaceutical product if,

(a) it contains one or more of the following:

- (i) alprostadil,
- (ii) amphotericin B lipid complex,
- (iii) anecstim,
- (iv) azithromycin,
- (v) baclofen,
- (vi) calcitriol,
- (vii) cefotaxime,
- (viii) cephalothin,
- (ix) clodronate,
- (x) daclizumab,
- (xi) danaparoid,
- (xii) darbepoietin,
- (xiii) deferoxamine,

- (xiv) desmopressin,
- (xv) dolasetron,
- (xvi) epoetin alfa,
- (xvii) epoprostenol,
- (xviii) estradiol dienanthate/estradiol benzoate/testosterone enanthate benzilic acid hydrazone,
- (xix) etanercept,
- (xx) filgrastim,
- (xxi) fludarabine,
- (xxii) fondaparinux,
- (xxiii) glatiramer acetate,
- (xxiv) hepatitis A vaccine,
- (xxv) hepatitis B vaccine,
- (xxvi) infliximab,
- (xxvii) interferon alfa-2b/ribavirin,
- (xxviii) interferon beta 1-a,
- (xxix) interferon beta 1-b,
- (xxx) iron dextran,
- (xxxi) ketorolac,
- (xxxii) levofloxacin,
- (xxxiii) mycophenolate mofetil,
- (xxxiv) nandrolone decanoate,
- (xxxv) octreotide,
- (xxxvi) peginterferon alfa 2-b,
- (xxxvii) somatrem,
- (xxxviii) somatropin,
- (xxxix) sumatriptan,
- (xl) verteporfin, or
- (xli) zoledronic acid;
- (b) it contains one or more products listed in Parts III and XII of the Formulary, but the patient for whom the extemporaneous preparation is prescribed does not meet the criteria set out in the Formulary for the use of the component product or products; or
- (c) it contains a product for which Health Canada provides a Notice of Compliance to the product's manufacturer on or after September 4, 2003.

made under the
EDUCATION ACT

Made: August 28, 2003
Filed: September 5, 2003
Printed in *The Ontario Gazette*: September 20, 2003

Amending O. Reg. 400/98
(Tax Matters — Tax Rates for School Purposes)

Note: Ontario Regulation 400/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Section 12 of Ontario Regulation 400/98 is amended by adding the following subsection:

(2) Despite the provisions of any other section, the tax rate for school purposes for the professional sports facility property class in the City of Ottawa for 2003 is 0.02039073, but shall be reduced for 2003 by 0.01809833.

Made by:

JANET LYNNE ECKER
Minister of Finance

Date made: August 28, 2003.

38/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—09—27

ONTARIO REGULATION 374/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: September 5, 2003

Filed: September 8, 2003

Amending O. Reg. 670/98

(Open Seasons — Wildlife)

Note: Ontario Regulation 670/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) Table 5 of Ontario Regulation 670/98 is amended by adding the following item:

Item	Column 1 Area (Nos. refer to WMUs unless otherwise stated)	Column 2 Open Season — Residents	Column 3 Open Season — Non-Residents	Column 4 Class of Firearm
15.1	64A, 64B	From October 1 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the second Monday in November to the Sunday next following, in any year. AND: From the Sunday immediately prior to the fourth Monday in November to December 31, in any year.	From October 1 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the second Monday in November to the Sunday next following, in any year. AND: From the Sunday immediately prior to the fourth Monday in November to December 31, in any year.	1

(2) Item 16 of Table 5 of the Regulation is revoked and the following substituted:

Item	Column 1 Area (Nos. refer to WMUs unless otherwise stated)	Column 2 Open Season — Residents	Column 3 Open Season — Non-Residents	Column 4 Class of Firearm
16.	66A, 67, 69B	From October 1 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the second Monday in November to December 31, in any year.	From October 1 to the Sunday immediately prior to the first Monday in November, in any year. AND: From the Sunday immediately prior to the second Monday in November to December 31, in any year.	1

(3) Items 44, 45 and 75 of Table 5 of the Regulation are revoked and the following substituted:

44.	64B	From the first Monday in November to the Saturday next following, in any year. AND: From the third Monday in November to the Saturday next following, in any year.	From the first Monday in November to the Saturday next following, in any year. AND: From the third Monday in November to the Saturday next following, in any year.	3
45.	65, 69B	From the first Monday in November to the Saturday next following, in any year.	From the first Monday in November to the Saturday next following, in any year.	3
75.	66A, 67	From the first Monday in November to the Saturday next following, in any year.	From the first Monday in November to the Saturday next following, in any year.	7

(4) Table 5 of the Regulation is amended by adding the following item:

75.1	64A	From the first Monday in November to the Saturday next following, in any year. AND: From the third Monday in November to the Saturday next following, in any year.	From the first Monday in November to the Saturday next following, in any year. AND: From the third Monday in November to the Saturday next following, in any year.	7
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Made by:

JERRY J. OUELLETTE
Minister of Natural Resources

Date made: September 5, 2003.

39/03

ONTARIO REGULATION 375/03

made under the

HEALTH PROTECTION AND PROMOTION ACT

Made: September 8, 2003

Filed: September 8, 2003

Amending O. Reg. 166/03

(Orders under Section 22.1 of the Act)

Note: Ontario Regulation 166/03 has not previously been amended.

1. (1) The definition of "crime" in subsection 1 (1) of Ontario Regulation 166/03 is revoked and the following substituted:

"crime" means an offence under the *Criminal Code* (Canada) committed in Ontario which results in physical injury to a victim and as a result of which the victim may have come into contact with a bodily substance of a respondent;

(2) The definition of "victim" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"victim" means a person who may have come into contact with a bodily substance of a respondent as a result of sustaining physical injury from any act or omission in Ontario of a respondent occurring in or resulting from the commission of a crime.

2. Section 4 of the Regulation is amended by adding the following subsections:

application to a medical officer of health in a health unit other than the appropriate health unit, and shall notify the receiving medical officer of health of the transfer of the application.

(9) The Chief Medical Officer of Health may provide a direction under subsection (8) without providing reasons for his or her decision.

(10) The medical officer of health who receives an application under the direction of the Chief Medical Officer of Health shall determine the application in accordance with the Act and this Regulation.

3. (1) Subsection 16 (4) of the Regulation is revoked.

(2) Section 16 of the Regulation is amended by adding the following subsection:

(9.1) A decision of the Chief Medical Officer of Health made under subsection (9) is final and not subject to further review or appeal.

(3) Section 16 of the Regulation is amended by adding the following subsection:

(11.1) A decision of the Chief Medical Officer of Health made under subsection (11) is final and not subject to further review or appeal.

(4) Subsection 16 (27) of the Regulation is revoked and the following substituted:

(27) If the Chief Medical Officer of Health determines that the refusal is clearly wrong, the Chief Medical Officer of Health shall substitute his or her own decision for the decision of the medical officer of health who refused the order and direct the medical officer of health to make the order sought by the applicant in accordance with section 11.

(5) Subsection 16 (31) of the Regulation is revoked and the following substituted:

(31) If the Chief Medical Officer of Health determines that the refusal is no longer correct, the Chief Medical Officer of Health shall substitute his or her own decision for the decision of the medical officer of health who refused the order and direct the medical officer of health to make the order sought by the applicant in accordance with section 11.

4. This Regulation comes into force immediately upon the coming into force of Ontario Regulation 166/03.

Made by:

TONY CLEMENT
Minister of Health and Long-Term Care

Date made: September 8, 2003.

39/03

ONTARIO REGULATION 376/03

made under the

LAND REGISTRATION REFORM ACT

Made: May 9, 2003
Filed: September 9, 2003

Amending O. Reg. 16/99
(Automated System)

Note: Ontario Regulation 16/99 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. (1) The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by striking out the following item:

Column 1	Column 2
Essex (No. 12)	April 7, 2003

(2) The Table to subsection 3 (2) of the Regulation is amended by adding the following item:

Column 1	Column 2
Essex (No. 12)	September 9, 2003

TIMOTHY PATRICK HUDAK
Minister of Consumer and Business Services

Dated on May 9, 2003.

39/03

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Information

THE ONTARIO GAZETTE is published each Saturday and advertisements must be received no later than Thursday 4 p.m., 9 days before publication of the issue in which they should appear.

Advertisements including the names of any signing officers must be typed or written legibly.

1. Advertising rates are for a first insertion per columnar space
 - i. up to $\frac{1}{4}$ column or part thereof is \$55.00
 - ii. each additional $\frac{1}{8}$ column or part thereof up to one page is \$26.00
2. In each calendar year, after one page is reached, each $\frac{1}{4}$ page or part thereof is \$70.00
3. For each multiple insertion ordered at the same time as the first insertion, one-half the rate payable under paragraph 1 or 2, as the case may be

Subscription rate is \$126.50 + 7% G.S.T. for 52 weekly issues and the single copy price of \$2.90 + 7% G.S.T. payable in advance. All rates are subject to increases without notice. *For the correct rate, please contact us at (416) 326-3893 during normal business hours.*

Subscriptions may be paid by VISA, MasterCard or AMEX. Cheques or money orders should be made payable to THE MINISTER OF FINANCE and all correspondence, including address changes, should be mailed to:

THE ONTARIO GAZETTE
50 Grosvenor Street, Toronto, Ontario M7A 1N8
Telephone (416) 326-5310
Toll-Free 1-800-668-9938

Information

LA GAZETTE DE L'ONTARIO paraît chaque samedi, et les annonces à y insérer doivent parvenir à ses bureaux le jeudi à 16 h au plus tard, soit au moins neuf jours avant la parution du numéro dans lequel elles figureront.

Les annonces, ainsi que le nom des signataires autorisés, doivent être dactylographiées ou écrites lisiblement.

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 - ii. chaque $\frac{1}{8}$ colonne supplémentaire ou une partie de celle-ci jusqu'à une page est 26,00 \$
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Les paiements peuvent être effectués au moyen de la carte VISA, MasterCard ou AMEX. Les chèques ou mandats doivent être faits à l'ordre du MINISTRE DES FINANCES et toute correspondance, notamment les changements d'adresse, doit être adressée à :

LA GAZETTE DE L'ONTARIO
50, rue Grosvenor, Toronto, (Ontario) M7A 1N8
Téléphone (416) 326-5310
Appel sans frais 1-800-668-9938



The Ontario Gazette La Gazette de l'Ontario

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Saturday, 4th October 2003

Toronto

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Le samedi 4 octobre 2003

Ontario Highway Transport Board

NOTICE

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the *Motor Vehicle Transport Act, 1987*, and the *Public Vehicles Act*. All information pertaining to the applicant i.e. business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail,

courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

LES LIBELLÉS DES DEMANDES PUBLIÉES CI-DESSOUS SONT AUSSI DISPONIBLES EN FRANÇAIS SUR DEMANDE.

Pour obtenir de l'information en français, veuillez communiquer avec la Commission des transports routiers au 416-326-6732.

The Pic River First Nation Medical Transportation Program
P. O. Box 215, 2 Rabbit Dr., Heron Bay, ON P0T 1R0

46163

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a chartered trip from the Pic River First Nation, located at Heron Bay, Ontario.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a) (iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles Act*, RSO 1990, Chapter P. 54, each having a maximum seating capacity of twelve (12) passengers exclusive of the driver.

FELIX D'MELLO
Board Secretary/
Secrétaire de la Commission

(6902) 40

Government Notices Respecting Corporations Avis du gouvernement relatifs aux compagnies

Certificates of Dissolution Certificats de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act*, has been endorsed. The effective date of dissolution precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les compagnies*, un certificat de dissolution a été inscrit pour les

compagnies suivantes : la date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2003-08-06 RENDEVIEW RESTAURANT LTD.....	874292
2003-08-11 BEET LADY DELIGHTS INC.	931079

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et aux entreprises

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2473



Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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D. N E. AUTO SALE AND LEASING LTD.	1171605
RAN-GAL PHOTOGRAPHICS INC.	1073161
W. D. LEWIS MEATS LTD.	335400

2003-08-12

ABORIGINAL FLAGS AND BANNERS INC.	1202571
BRIGHT STRAND LIMITED	1052939
BROADCOR INC.	612676
E.&A. MAGNETICS INC.	620906
ENERTEC CONSULTING LTD.	690551
FRED'S T.V. SERVICE THUNDER BAY INC.	278431
GAN-DEE CONSULTING INC.	1266839
HON KEE FOOD INC.	1525357
PROCASE GROUP INC.	1227104
REEVE CUERRIER LTD.	1352485
SEA DRAGON IMPORT & EXPORT INC.	962800
1150244 ONTARIO INC.	1150244
1194832 ONTARIO INC.	1194832

2003-08-13

ACIS COMPUTER INC.	1522920
DON PETRY INC.	830676
MILL-ROD INC.	840124
PRESTIGE HOT STAMPING INC.	614649
WILSMAP LIMITED	363199

2003-08-14

BFP TECHNOLOGIES INC.	984572
FRESH START CONSTRUCTION CORP.	1414854
GRAIL WARD NORTHERN & EASTERN DEVELOP- MENT LTD.	949976
GRAPHIX JUNCTION INC.	1462808
LARRY ROBINSON SPORTS MANAGEMENT GROUP LTD.	995961
VENGLO INVESTMENTS LIMITED	356178
WARING/HOFFMAN/BAKER LIMITED	148569
1028728 ONTARIO LIMITED	1028728

2003-08-22

602332 ONTARIO INC.	602332
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2003-08-25

CATARAQUI INVESTMENTS LIMITED	116759
CGL BUCKHORN INC.	899456
CGL CARRYING PLACE INC.	887854
CGL CHIPPING PARK INC.	734424
CGL SCUGOG TWO INC.	841325
HAWN'S ACRES INC.	1097552
JEWELS BY RUBY INC.	313366
LIN B-2 INC.	841877
LIN B-3 INC.	848586
LIN B-4 INC.	848587
LIN B-5 INC.	857721
LIN B-6 INC.	866832
NEW ALLIANCE INVESTORS LIMITED	123083
R. V. SCHUBERT LTD.	960186
RCC INVESTORS COMMUNICATIONS INC.	557005
T.W. AUSTIN INSURANCE AGENCIES LTD.	462082
TWA RETIREMENT SERVICES INC.	1192090
U.B.W. SERVICE INC.	493865
1314995 ONTARIO INC.	1314995
746653 ONTARIO LTD.	746653
863827 ONTARIO INC.	863827
869992 ONTARIO INC.	869992
946649 ONTARIO LIMITED	946649

2003-08-26

G. M. DELANEY CONSTRUCTION LIMITED	203135
HIGH ROLLERS CASINO SERVICES INC.	1051120
MARNOR CONSTRUCTION LIMITED	809155
TIP-TOP COLONIA GRILLS, INC.	788308
1051119 ONTARIO INC.	1051119
1498652 ONTARIO INC.	1498652
834413 ONTARIO LIMITED	834413

2003-08-27

ALEC SWANNELL LIMITED.	146735
AMBRAND ARTHRITIS MANAGEMENT CORPORA- TION.	1214874

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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BACA CONSULTING SERVICES INC.	1275786
BINS ON WHEELS LIMITED	1403196
BLACKJACK PLUS INC.	773690
CALIBRATED FLUID SOLUTIONS INC.	1028727
CHINESE TASTE CO. LTD.	888302
COLLYHILL INVESTMENTS LTD.	899806
CONESTOGA BUSINESS SYSTEMS LIMITED	413804
CONTINENTAL HEBERLE STUDWELDING EQUIP- MENT INC.	873338
D.L. SPENCER CONSTRUCTION LTD.	631246
DANIEL ROMANKO TRADE CONSULTANTS INC.	1026881
DISTRIBUTORS EXPRESS LTD.	1158822
E.M. LOZINSKI LTD.	1104532
ENGINE INTERACTIVE INC.	1175452
EVERYDAY FREIGHT LTD.	1090164
FIONA SPALDING-SMITH PHOTOGRAPHER INC.	449159
GBW+ARCHITECT AND ENGINEER INC.	1526020
GENESEE GARDEN CENTRE LTD.	1012711
GOLD BLADE RECYCLING INC.	1290966
GORDON SUTIN CONSULTANTS LTD.	545919
GRANDACCESS INCORPORATED	1027962
H W J WOOD INDUSTRIES INC.	974628
HIGH VOLTAGE TECHNOLOGY INC.	1062092
IBC HOLDINGS INC.	703112
JOHN J. WILSON PLUMBING LTD.	446556
K. L. LYONS CONSULTING INC.	1241117
KANBE MANUFACTURING LIMITED	1084526
KAY ANDERSON FURNITURE LIMITED	227954
KINGSTON HEIGHTS DEVELOPMENTS INC.	723147
LAKESAND TRADING CORPORATION	1098409
LARELL ENTERPRISES INC.	278182
LEARNING CENTRE EDUCATIONAL PRODUCTS INC.	1175971
LEGAL ASSOCIATES INC.	1241745
LES MITCHELL TRUCKING LIMITED	145986
LINK SYSTEMS CONSULTING INC.	1175240
LUPIANI DISTRIBUTORS LIMITED	484232
M.D. MORHAM ENGINEERING INC.	710995
MAG WEAR INC.	1417282
MCLANG ASSOCIATES INCORPORATED	454811
MICHELANGELO HOLDINGS INC.	837226
MUSIC EDUCATION SYSTEMS INC.	885662
MYRNA MACY ENTERPRISES LTD.	1024280
PIXELSTORM ANIMATION LTD.	1243042
RIX APPLIANCE LTD.	392324
SAC BAY LODGE LTD.	441709
SEA VISION MARINE PRODUCTS LIMITED	948928
SPIN-OFF STORES LIMITED	960018
THE CREATION HOUSE INC.	1337412
TORONTOJET CENTRE LTD.	1097702
WENTWORTH APPRAISAL SERVICE LTD.	252082
WILFAY INVESTMENTS INC.	930973
YONGE-BALLIOL CENTRE INC.	608812
YUWAL FOOD COMPANY LIMITED.	1064421
1007508 ONTARIO CORPORATION	1007508
1017702 ONTARIO LIMITED	1017702
1020775 ONTARIO INC.	1020775
1042582 ONTARIO LIMITED	1042582
1070288 ONTARIO INC.	1070288
1111991 ONTARIO LTD.	1111991
1124196 ONTARIO INC.	1124196
1194061 ONTARIO INC.	1194061
1216758 ONTARIO INC.	1216758
1239625 ONTARIO LTD.	1239625
1260017 ONTARIO INC.	1260017
1267583 ONTARIO INC.	1267583
1269564 ONTARIO LIMITED	1269564
1277577 ONTARIO INC.	1277577
1303822 ONTARIO INC.	1303822
1316624 ONTARIO INC.	1316624
1349977 ONTARIO LIMITED	1349977
1351395 ONTARIO LTD.	1351395
1378824 ONTARIO LTD.	1378824

1381550 ONTARIO INC.	1381550
1503352 ONTARIO INC.	1503352
348491 ONTARIO LIMITED	348491
351254 ONTARIO LIMITED	351254
447039 ONTARIO LIMITED	447039
627744 ONTARIO LIMITED	627744
633433 ONTARIO INC.	633433
676598 ONTARIO LIMITED	676598
690112 ONTARIO LIMITED	690112
741348 ONTARIO LIMITED	741348
743956 ONTARIO LIMITED	743956
813271 ONTARIO LIMITED	813271
830734 ONTARIO LIMITED	830734
951331 ONTARIO INC.	951331
952719 ONTARIO LIMITED	952719
969008 ONTARIO INC.	969008
993288 ONTARIO INC.	993288
2003-08-28	
ACCU-MAR INDUSTRIAL VENTILATION INC.	1252030
AUTOMATION ROBOTIC CABLING INC.	1293813
BELMA CANADA INC.	1184774
BLANCHFIELD HOLDINGS INC.	568260
DARFIELD PRECISION FABRICATORS INC.	262110
E.J. TUCK HOLDINGS LIMITED	319287
ESALEN DEVELOPMENTS LIMITED	678658
FIRST ZEPHYR DEVELOPMENTS LIMITED	679491
M.A.S.S. HOLDINGS INC.	1298044
MEI LUNG AUTO SERVICE LTD.	1056457
SONIC-WAVE COMMUNICATIONS INC.	1151325
TUPENNY INVESTMENTS LIMITED	245589
1049079 ONTARIO INC.	1049079
1068794 ONTARIO LIMITED	1068794
446696 ONTARIO INC.	446696
452368 ONTARIO INC.	452368
614459 ONTARIO LIMITED	614459
2003-08-31	
GRAVITY VINE SYSTEMS INC.	1180349
KEIR/CRANSTON HOLDINGS INC.	769686
NONSUCH LEASING INC.	772912
1124085 ONTARIO LTD.	1124085
1178803 ONTARIO INCORPORATED	1178803
850320 ONTARIO LIMITED	850320
2003-09-03	
1095910 ONTARIO INC.	1095910
1340867 ONTARIO INC.	1340867
2003-09-04	
ANDERSON'S RECREATIONAL RENTALS INC.	755098
H. W. G. INVESTMENTS INC.	417541
PLANBUILD SERVICES LIMITED	257101
649995 ONTARIO INC.	649995
2003-09-08	
AP TRADE INC.	1396494
SELECT PRODUCTS SUPPLY CO LTD	514310
SYNKRONOS INC.	1370678
2003-09-09	
M & F TRANSPORT LIMITED	384337
PAN-EAST CANADA INTERNATIONAL TRADE CO. LTD.	1008996
2003-09-10	
ACCENT/GARGANTUA MOTION PICTURES INC.	1042752
BILDOR CHICK LIMITED	255502
UPPER MAPLEVIEW INC.	930298
ZAM EXCAVATING LTD.	511962
1003860 ONTARIO INC.	1003860
2003-09-12	
SKYLINER TRANSPORT SYSTEMS INC.	738660
1302141 ONTARIO INC.	1302141
2003-09-15	
ABACUS BASIC COMPUTING INC.	1224366
AMBERIP GRAPHICS INC.	1008877
DO RE MI KARAOKE SYSTEM INC.	871963
DOULUN PAINT INC.	1501375
DSC COMMUNICATIONS CANADA INC.	800879

J & R ASSOCIATES LTD.	1127042
JAU & WONG LIMITED	1286643
KURUVILLA MANAGEMENT LTD.	348285
NEW ARIAN RESOURCES CORPORATION	1300681
PRO CONCEPT INC.	1176478
STONE CIRCLE PUBLICATIONS INC.	1297193
TRIDOSOFT TECHNOLOGIES INC.	1533036
1063139 ONTARIO INC.	1063139
1250866 ONTARIO INC.	1250866
1254308 ONTARIO LTD.	1254308
1398145 ONTARIO INC.	1398145
1444961 ONTARIO INC.	1444961
401 & 24 FLEA MARKET INC.	979868
776524 ONTARIO LTD.	776524
795176 ONTARIO LTD.	795176
912466 ONTARIO LIMITED	912466
2003-09-16	
ALDEN HALL INC.	476149
ARMO SALES LTD.	1047305
B & M HOME RENOVATION INC.	1392310
CANTON CITY RESTAURANT INC.	1493676
CAUDERAY LIMITED	775775
DENEL CORPORATION LTD.	683096
DEVINTER ONTARIO INC.	956829
GREENTELL INFORMATION SYSTEMS (CANADA) INC.	1458559
KRANSON CANADA INC.	1563488
MBC PARTS DEPOT INC.	1014344
PARS SYSTEMS INC.	1072180
PHARMAENG CHINA TECHNOLOGY INC.	1245445
R. W. H. SMITH & SON FUNERAL HOME LIMITED	111358
REESE PLUMBING & HEATING LIMITED	242355
SEVENSEAS TRADING CORPORATION	992752
SILVER WOOD CARPENTRY INC.	856193
SOURCE KEY LTD.	1534689
TAURUSLU INC.	1520086
TED DESIGN & ASSOCIATES INC.	1086538
TOPIC INVESTMENTS LIMITED	272632
VHU AVIATION INC.	1141926
W. E. B. CORE SERVICES LTD.	1112694
W. L. MARA LIMITED	71079
1045527 ONTARIO INC.	1045527
1088685 ONTARIO INC.	1088685
1171800 ONTARIO INC.	1171800
1468251 ONTARIO LTD.	1468251
1473171 ONTARIO LIMITED	1473171
2000495 ONTARIO INC.	2000495
2003-09-17	
ACADIA INDUSTRIES INC.	1489115
ALBERT DERICKX & SONS LIMITED	301331
CAPER CANADIAN BIOTECH INC.	1464350
CARGOGRAPHIC SERVICES INC.	1004224
CON-DRAIN FINANCIAL GROUP INC.	1330323
DIGIFOCUS CONSULTING INC.	1289558
ERIC SCHOLLER CONTRACTING LIMITED	274728
FORTUNE LANE INTERNATIONAL CONSULTING INC.	1231125
JOHN ROBERTS DEVELOPMENTS LIMITED	133582
LONG SHING ELECTRONICS LTD.	1243257
MILLARD CARPETS LIMITED	394789
NEW ART CONSTRUCTION LTD.	1181000
P.G.H. REBAR DETAILING INC.	1356720
PORTRITE LUMBER & BUILDING CORPORATION INC.	715695
PRECISION STRAPPING SYSTEMS CORP.	1021961
PRIMORDIAL HOMES LIMITED	1135632
SAMMI CANADA INC.	874278
THOMSON MCKINNON HOLDINGS INC.	43412
TRI-ARMS INVESTMENTS LIMITED	225307
TRIKESPORT TRICYCLES INC.	869448
W. E. TRUCKING LTD.	539295
1050081 ONTARIO LIMITED	1050081
1057352 ONTARIO LIMITED	1057352

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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1096651 ONTARIO LIMITED	1096651
1120320 ONTARIO INC.	1120320
1291323 ONTARIO LIMITED	1291323
2003-09-18	
BEM PLUMBING LIMITED	371093
BLAZER TRUCK LINES, LTD.	1131200
CHANGLEE PUBLISHING HOUSE CO. LTD.	1012243
COMPUTIME NORTH AMERICA INC.	1469358
DUNDEE GREENWIN ADVISOR INC.	1263714
FURLAN SHEET METAL INC.	1296672
FUTURELINE COMMUNICATIONS CO. LTD.	669207
GRIFFHOME FARMS LTD.	290218
HOOPS INTERNATIONAL BASKETBALL CLUB INCORPORATED	1079913
KANEFF HOMES MILTON INC.	1249596
KANEFF HOMES RATHKEALE INC.	1102378
KANEFF HOMES VANROSE INC.	1127796
OMI INVESTMENT FUNDS INC.	1052444
ONTARIO PETRO CHEMICAL SUPPLIERS OPS LTD.	1259878
SAMAR CANADA INC.	1131136
SULLIVAN GM&P VENTURE CORPORATION	1321938
SUNFUEL ENERGY SYSTEMS INC.	997237
UPPER CRUST RESOURCES LTD.	1039970
WING APPAREL CO. LTD.	930568
1083301 ONTARIO INC.	1083301
1091398 ONTARIO INC.	1091398
1170998 ONTARIO LTD.	1170998
1388221 ONTARIO INC.	1388221
1397741 ONTARIO INC.	1397741
2003-09-19	
AURORA WELLINGTON HOLDINGS INC.	677359
DRANCO GROUP INC.	513146
GLOBAL SMARTECH LTD.	1284333
HYPERLINK NET. INC.	1197179
J. C. EVASON & COMPANY LTD.	385256
PLYMOUTH TOOL & STAMPING LIMITED.	51049
REALCOM TRADING AND SERVICES INC.	1220345
SHIRIN BAKERY INC.	1487332
TE NEUES PUBLISHING (CANADA) LTD.	897263
THAMARAI PUBLICATIONS LTD.	1171125
V.M.J. CONSTRUCTION INC.	1296835
2003-09-22	
A & G EVERBEST INC.	1088899
A. Y. L. TRADING CO. LTD.	1055047
A.S. CANADA CO. LTD.	1421961
BRIGHT KING CAFE LIMITED	1162002
C.C.S. ONTARIO (8) INVESTMENTS LIMITED	880337
CASINO ROYALE GAMING SUPPLIES INC.	1034040
CYTRONIX COMPUTERS INC.	1535691
D. D. BEAN & SONS (CANADA) LTD.	800845
FLORENCE MINZ ASSOCIATES INC.	672852
GREEK HOUSE FOOD MARKET INC.	1282913
OILLY INC.	995159
PRODUCTION HOUSE INTERNATIONAL INC.	1044490
REAL (CANADA) FINANCE COMPANY, LTD.	289276
RSC CONSULTING INC.	1303794
SPJM COMPUTER SYSTEMS INC.	1288055
WESTON ASSOCIATES INC.	1321597
1012864 ONTARIO INC.	1012864
1103886 ONTARIO INC.	1103886
1213624 ONTARIO INC.	1213624
1279496 ONTARIO INC.	1279496
1365370 ONTARIO INC.	1365370
1519107 ONTARIO LIMITED	1519107
2001559 ONTARIO INC.	2001559
575669 ONTARIO LIMITED	575669

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

(6899) 40

Cancellation for Filing Default (Corporations Act) Annulation pour omission de se conformer à une obligation de dépôt (Loi sur les personnes morales)

NOTICE IS HEREBY GIVEN that orders under Section 317 (9) of the *Corporations Act* have been made cancelling the Letters Patent of the following corporations and declaring them to be dissolved. The date of the order of dissolution precedes the name of the corporation.

AVIS EST DONNÉ PAR LA PRÉSENTE que, les décrets émis en vertu de l'article 317 (9) de la *Loi sur les personnes morales* ont été émis pour annuler les lettres patentes des personnes morales suivantes et les déclarer dissoutes. La date du décret de la dissolution précède le nom de la personne morale.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2003-09-23

CAREERS 2000-HUMAN RESOURCE DEVELOPMENT	1100452
ONAPING FALLS COMMUNITY DEVELOPMENT CORPORATION	1444593

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

(6900) 40

Notice of Default in Complying with the Corporations Tax Act Avis d'inobservation de la loi sur les corporations

The Director has been notified by the Minister of Revenue that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241 (1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Corporations Tax Branch, Ministry of Revenue, 33 King Street West, Oshawa, Ontario L1H 8H6.

Le ministre du Revenu a informé l'administrateur unique que les compagnies suivantes n'avaient pas respecté la Loi sur l'imposition des personnes morales.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (1) de la *Loi sur les compagnies*, si les compagnies citées ci-dessous ne se conforment pas aux prescriptions énoncées par la Loi sur l'imposition des personnes morales dans un délai de 90 jours suivant la réception du présent avis, lesdites compagnies se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à la Direction de l'imposition des compagnies, ministère du Revenu, 33, rue King ouest, Oshawa (Ontario) L1H 8H6.

1010541 ONTARIO INC. 1010541

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

(6897) 40

**Cancellation of Certificates of
Incorporation
(Corporations Tax Act Defaulters)
Annulation de certificats de constitution
en personne morale
(Non-respect de la Loi sur l'imposition
des personnes morales)**

NOTICE IS HEREBY GIVEN that, under subsection 241 (4) of the *Business Corporations Act*, the Certificates of Incorporation of the corporations named hereunder have been cancelled by an Order dated June 23, 2003, for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (4) de la *Loi sur les compagnies*, les certificats de constitution en personne morale des compagnies dont les noms apparaissent ci-dessous ont été annulés par décision datée du 23 Juin 2003 pour non-respect des dispositions de la *Loi sur l'imposition des personnes morales* et que la dissolution des compagnies concernées prend effet à la date susmentionnée.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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ALEX MITTERHUBER YACHT SERVICE LTD.	294948
ALFRED J. SHEARER COMPANY LIMITED	256216
ANVIL INVESTMENTS LIMITED	145784
B.F.G. PROPERTIES INC.	252852
BADER BROTHERS LIMITED	300460
BAR-HOTEL SUPPLIES LIMITED	151864
BENDER'S FOODS LIMITED	268304
BILL DONNELLY HOLDINGS LIMITED	124918
CARL JUNG SALES INC.	283920
CARLETON HOMES (BELLAMY) LIMITED	289128
CARR WILLIAMSON LIMITED	227224
FAKIR INVESTMENTS LIMITED	268388
FLAMINGO CONSTRUCTION LIMITED	299292
FLEUTY FUNERAL HOME LIMITED	203617
FRACE DEVELOPMENTS LIMITED	203920
FRANKLAND HOMES LIMITED	209676
GEORGE VOGEL REAL ESTATE LIMITED	276296
GLENMAR PROPERTIES LIMITED	284324
HARTSVILLE DEVELOPMENTS LIMITED	265348
HATTON'S CATERERS LIMITED	154237
HEWGILL LUMBER LIMITED	285308
INFOTRADING INC.	1170012
J. SCHUSSER HOLDINGS LIMITED	110947
JOHN K.B. ROBERTSON ASSOCIATES LIMITED	298940
JOHNSEN ENGINEERING LIMITED	273796
LEDGE ENGINEERING INC.	305236
LEEP INVESTMENTS LIMITED	103077
LYNCASTLE INVESTMENTS LIMITED	125825
M. GASPARETTO MANAGEMENT SERVICES LIMITED	225728

MALCO FOODS INC.	1071668
MANAGEMENT AND LEADERSHIP TRAINING LTD ..	258204
MARGEO HOLDINGS LIMITED	219932
MEHAR HOLDINGS OF WINDSOR, LIMITED	201336
MICHAEL SHULMAN ASSOCIATES LIMITED	228852
MILLWIN INVESTMENTS LIMITED	292472
MYRON CONSTRUCTION LIMITED	297468
NORTHSIDE RADIOLOGICAL LIMITED	280868
PAUL S. STARR AND COMPANY LIMITED	80400
PEOPLES PROPERTIES & ENTERPRISES LIMITED ...	130259
PETERBOROUGH SULKY LIMITED	244500
PRESCOTT HEIGHTS LIMITED	80149
SOUTHPOINT DEVELOPMENTS LIMITED	272124
STUDIO 555 INCORPORATED	287264
TRU-WALL GROUP LIMITED	771392
V BOTTOM TRAILERS LIMITED	136900
WENTWORTH REAL ESTATE LIMITED	299724
WILMORE ENTERPRISES (WATERLOO) LTD.	284744
YORK EMPLOYEES' CREDIT UNION LIMITED	149007
1035802 ONTARIO LIMITED	1035802
1088100 ONTARIO LTD	1088100
1254764 ONTARIO INC.	1254764
23-U WASH INC.	1256181
276933 ONTARIO LIMITED	276933
281164 ONTARIO LTD.	281164
281900 ONTARIO LIMITED	281900
755044 ONTARIO LIMITED	755044

B. G. HAWTON,
Director, Companies and Personal Property
Security Branch
Directrice, Direction des compagnies et des
sûretés mobilières

(6898) 40

**Co-operative Corporations Act
(Certificates of Incorporation Issued)
Loi sur les Sociétés Coopératives
(Certificats de constitution délivrés)**

NOTICE IS HEREBY GIVEN that, under the *Co-operative Corporations Act*, a certificate of Incorporation has been issued to:

AVIS EST PAR LES PRÉSENTES DONNÉ qu'en vertu de la *Loi sur les Sociétés Coopératives* un certificat de constitution a été délivré à :

Name of Corporation and Head Office: Nom de la compagnie et siège social :

2003-09-17

The Beach School Co-operative Ltd. Toronto
Sustainable Energy Resource Group (SERG) Co-operative Ltd.
Schreiber

JOHN M. HARPER,
Director, Compliance Branch, Licensing and
Compliance Division by delegated authority
from the Superintendent of Financial Services
Directeur, Observation des lois et des règlements
Division de la délivrance des permis et de
l'observation des lois et des règlements
en vertu des pouvoirs délégués par le
surlintendant des services financiers

(6894) 40

**Co-operative Corporations Act
(Certificate of Amendment of
Articles Issued)
La Loi sur les sociétés coopératives
(Certificat de modification de statut)**

NOTICE IS HEREBY GIVEN that, under the *Co-operative Corporations Act*, amendment to article have been effected as follows:

AVIS EST PAR LA PRÉSENTE DONNÉ qu'en vertu de la *Loi sur les sociétés coopératives* la modification suivante a été apportée au statut de la compagnie mentionnée ci-dessous :

Date of Effective Incorporation: Date de constitution :	Name of Co-operative: Nom de la Coopérative :	Date Date d'entrée en vigueur
1991-12-16	Robin's Nest Co-operative Homes Inc. 2003-09-17	

JOHN M. HARPER,
Director, Compliance Branch, Licensing and
Compliance Division by delegated authority
from the Superintendent of Financial Services
Directeur, Observation des lois et des règlements
Division de la délivrance des permis et de
l'observation des lois et des règlements
en vertu des pouvoirs délégués par le
surintendant des services financiers

(6893) 40

**Ontario Energy Board
Commission de l'Énergie de l'Ontario**

RP-2003-0056

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O.1998, c.15, Schedule B;

AND IN THE MATTER OF the condition of licence pursuant to subsection 70(2)(d)(ii) governing the conduct of a distributor as that conduct relates to a retailer;

AND IN THE MATTER OF a application on the Board's own motion pursuant to section 74 to amend a licence.

BEFORE:

PAUL SOMMERVILLE
Presiding Member

ARTHUR BIRCHENOUGH
Member

DECISION AND ORDER

In December 2002, the Independent Electricity Market Operator in Ontario (the IMO) began to calculate the prudential support obligations (PSOs) which distributors are required to deposit with the IMO using the statutory price level of \$43/MWh applicable for low volume and designated consumers. Previously the IMO has based PSOs for distributors using its estimated market price of \$65/MWh.

On April 2, 2003, the Director of Licensing sent Bulletin 200301 to electricity distribution companies and electricity retailers to assist them in interpreting subsections 8.1 and 8.1.3 of the Retail Settlement Code (RSC). The Director instructed distributors to calculate their maximum

allowable security arrangements from retailers on a two-price basis, \$37/MWh for retailer-served loads eligible for the low volume and designated load fixed price and \$65/MWh for other retailer-served loads.

The Board received letters from a number of parties commenting on the Director's interpretation of the RSC and asking that the Board review the Director's interpretation.

In Bulletin 200302 on April 15, 2002, the Director indicated that he did not intend to take enforcement actions respecting his interpretation until the Board had considered the matter.

On May 2, 2003, the Board indicated in a letter to the parties that it would be considering amending the Retail Settlement Code to reflect a market settlement process with more than one relevant or applicable price. The letter stated, "Any interpretation of the subsections is necessarily an attempt to reflect the original intent of the RSC to fairly map the actions of the market and the role of the distributor in passing through the price of the commodity."

On June 3, 2003, the Board issued notice of a proceeding (RP-2003-0056) on its own motion to amend the Retail Settlement Code. Submissions on the proposed amendment and objections to a written hearing were required by June 30, 2003.

The Board received 13 responses. There were no objections to a written proceeding. Copies of the notice, including the evidence filed in this proceeding, are available for review at the Board's offices. While the Board has considered all the evidence filed in this proceeding, the Board has only referenced the evidence to the extent necessary to provide background to this Decision and Order.

Board findings

One of the purposes of the RSC is to protect the distributor and its ratepayers from commodity risk in fulfilling its role as a pass-through agent of the electricity commodity. The distributor is exposed to risk since it is obligated to make payment to the IMO, even in the event of retailer default. It is this risk that is covered by the retailer prudential support obligation. In following the payment streams before and after the effects of the Electricity Pricing, Conservation and Supply Act, 2002 (Bill 210), the Board finds that the payment obligation of retailers has not changed either under distributor-consolidated billing or retailer-consolidated billing.

The fact that the IMO has a process for reducing distributor PSOs based on payment history and has reduced distributor PSOs to the level of the statutory price presumably reflects its comfort with the level of risk associated with distributor payment.

The Board notes that Section 8 of the RSC is meant to set a maximum PSO for retailers. The Board expects that as the market matures and more experience is gained with retailers that distributors will lower PSOs for retailers with good payment history or credit ratings.

The Board further notes that the IMO has not changed the estimated market price since market opening. During some parts of the year it is lower than the actual market price and therefore does not cover the full payment risk to the distributor. During other parts of the year, it is higher than the actual market price and the OEFC will make a payment to the retailer that is passed through the IMO and the distributor. However, the Board still feels it is the most appropriate benchmark.

The Board has considered and agrees with parties that certain changes to the proposed wording better reflect the intent of the amendment.

The Board finds that amendment of the Retail Settlement Code to clarify retailer prudential support obligations is in the public interest.

THE BOARD ORDERS THAT:

Section 8.1.1 of the Retail Settlement Code is revised as follows:

The last sentence of Step 1 is deleted and replaced with the following:

For the purpose of this estimation, the price estimates used in calculat-

tributors, low-volume consumers and designated consumers.

(6901) 40

PETER H. O'DELL
Assistant Secretary

Ministry of Finance—Interest Rates Ministère des Finances—Taux d'intérêt

NOTICE

CHANGE OF INTEREST RATES

1. Effective October 1, 2003, the rate of interest payable on tax underpayments, Electricity Act payments, and amounts payable with respect to small business development grants administered by the Ministry of Finance, will be 8%. The general rate of interest on overpayment of taxes and Electricity Act payments will be 3%. These rates apply to the following statutes:

Commercial Concentration Tax Act
Corporations Tax Act
Electricity Act, 1998 (Parts V.1 & V.1)
Employer Health Tax Act
*Fuel Tax Act**

*Gasoline Tax Act**
Land Transfer Tax Act
Mining Tax Act
Provincial Land Tax Act
Race Tracks Tax Act

Retail Sales Tax Act
Small Business Development Corporations Act
Succession Duty Act
Tobacco Tax Act

Also effective October 1, 2003, the rate of interest will be 5% on amounts refunded or credited after an objection or appeal of Commercial Concentration Tax, Corporations Tax, Employer Health Tax, Gasoline Tax*, Fuel Tax*, Land Transfer Tax, Mining Tax, Retail Sales Tax, Tobacco Tax or Electricity Act payments. Under retroactive regulation changes that came into force in September 1999, the rate of interest on amounts refunded or credited after successful objections or appeals is increased by two points over the general rate on refunds, applicable to periods after 1998 for Commercial Concentration Tax, Gasoline Tax, Fuel Tax, Land Transfer Tax, Retail Sales Tax, and Tobacco Tax, and to taxation years ending after 1997 for Corporations Tax, Employer Health Tax, Mining Tax and Electricity Act payments.

* The rates in this Notice do not apply to International Fuel Tax Agreement (IFTA) matters, as that agreement contains distinct provisions for setting interest rates.

2. The tables below show the respective rates of interest applicable to past periods of time in the five years ending September 30, 2003, and the new rates now in effect.

INTEREST RATES

Time Period	Payable on Underpayments & Small Business Development Grants %	Payable on Overpayments (where applicable)	
		General Rate %	Appeals Rate %
Oct. 1/98 — Dec. 31/98	10	5	7
Jan. 1/99 — Mar. 31/99	10	5	7
Apr. 1/99 — Jun. 30/99	10	5	7
Jul. 1/99 — Sep. 30/99	10	5	7
Oct. 1/99 — Dec. 31/99	9	4	6
Jan. 1/00 — Mar. 31/00	9	4	6
Apr. 1/00 — Jun. 30/00	10	5	7
Jul. 1/00 — Sep. 30/00	10	5	7
Oct. 1/00 — Dec. 31/00	11	6	8
Jan. 1/01 — Mar. 31/01	11	6	8
Apr. 1/01 — Jun. 30/01	11	6	8
Jul. 1/01 — Sep. 30/01	10	5	7
Oct. 1/01 — Dec. 31/01	9	4	6
Jan. 1/02 — Mar. 31/02	8	3	5
Apr. 1/02 — Jun. 30/02	7	2	4
Jul. 1/02 — Sep. 30/02	7	2	4
Oct. 1/02 — Dec. 31/02	7	2	4
Jan. 1/03 — Mar. 31/03	8	3	5
Apr. 1/03 — Jun. 30/03	8	3	5
Jul. 1/03 — Sep. 30/03	8	3	5
Oct. 1/03 —	8	3	5

Dated at Oshawa, this 2nd day of September, 2003.

MINISTRY OF FINANCE
Tax Revenue Division
MARION E. CRANE
Assistant Deputy Minister

AVIS DE CHANGEMENT DANS LES TAUX D'INTÉRÊT

1. À compter du 1^{er} octobre 2003, le taux d'intérêt sur les paiements en moins de taxes et d'impôts, les paiements au titre de la Loi sur l'électricité, et les montants payables relativement aux subventions pour l'expansion des petites entreprises administrées par le ministère des Finances sera de 8%. Le taux d'intérêt général sur les paiements en trop de taxes et d'impôts, et les paiements au titre de la Loi sur l'électricité sera de 3%. Ces taux s'appliquent aux lois suivantes :

Loi sur la taxe de vente au détail

Loi de la taxe sur le tabac

Loi de la taxe sur le pari mutuel

*Loi de la taxe sur l'essence**

Loi de 1998 sur l'électricité (parties V.1 et VI)

Loi sur l'imposition des corporations

Loi sur l'impôt foncier provincial

Loi de l'impôt sur l'exploitation minière

Loi sur les droits successoraux

*Loi de la taxe sur les carburants**

Loi sur les droits de cession immobilière

Loi sur l'impôt-santé des employeurs

Loi de l'impôt sur les concentrations

commerciales

et

Loi sur les sociétés pour l'expansion des petites entreprises.

Également à compter du 1^{er} octobre 2003, le taux d'intérêt sur les montants remboursés ou crédités après une opposition ou un appel de l'impôt sur les concentrations commerciales, l'impôt des compagnies, l'impôt-santé des employeurs, la taxe sur l'essence*, la taxe sur les carburants*, les droits de cession immobilière, l'impôt sur l'exploitation minière, la taxe de vente au détail, la taxe sur le tabac ou les paiements au titre de la Loi sur l'électricité sera de 5%. Selon les changements au règlement rétroactif entrés en vigueur en septembre 1999, le taux d'intérêt accordé sur les montants remboursés ou crédités après qu'une opposition ou un appel ait été accueilli, augmente de deux points par rapport au taux d'intérêt général accordé sur les remboursements, applicable aux périodes après 1998 pour l'impôt sur les concentrations commerciales, la taxe sur l'essence, la taxe sur les carburants, les droits de cession immobilière, la taxe de vente au détail et la taxe sur le tabac, et aux années d'imposition prenant fin après 1997 pour l'impôt des compagnies, l'impôt-santé des employeurs, l'impôt sur l'exploitation minière et les paiements au titre de la Loi sur l'électricité.

* Les taux d'intérêts publiés dans le présent avis ne s'appliquent pas aux questions liées à l'accord international relatif aux taxes sur les carburants, car cet accord renferme des dispositions distinctes pour l'établissement des taux d'intérêt.

2. Le tableau ci-après donne les taux d'intérêt respectifs applicables aux périodes antérieures dans les cinq ans prenant fin le 30 septembre 2003 et les nouveaux taux en vigueur.

TAUX D'INTÉRÊT

Période	sur les paiements en moins et les subventions pour l'expansion des petites entreprises %	sur les paiements en trop (s'il y a lieu)	
		Taux général %	Taux des appels %
1 ^{er} oct. 1998 — 31 déc. 1998	10	5	7
1 ^{er} janv. 1999 — 31 mars 1999	10	5	7
1 ^{er} avr. 1999 — 30 juin 1999	10	5	7
1 ^{er} juil. 1999 — 30 sept. 1999	10	5	7
1 ^{er} oct. 1999 — 31 déc. 1999	9	4	6
1 ^{er} janv. 2000 — 31 mars 2000	9	4	6
1 ^{er} avr. 2000 — 30 juin 2000	10	5	7
1 ^{er} juil. 2000 — 30 sept. 2000	10	5	7
1 ^{er} oct. 2000 — 31 déc. 2000	11	6	8
1 ^{er} janv. 2001 — 31 mars 2001	11	6	8
1 ^{er} avr. 2001 — 30 juin 2001	11	6	8
1 ^{er} juil. 2001 — 30 sept. 2001	10	5	7
1 ^{er} oct. 2001 — 31 déc. 2001	9	4	6
1 ^{er} janv. 2002 — 31 mars 2002	8	3	5
1 ^{er} avr. 2002 — 30 juin 2002	7	2	4
1 ^{er} juil. 2002 — 30 sept. 2002	7	2	4
1 ^{er} oct. 2002 — 31 déc. 2002	7	2	4
1 ^{er} janv. 2003 — 31 mars 2003	8	3	5
1 ^{er} avr. 2003 — 30 juin 2003	8	3	5
1 ^{er} juil. 2003 — 30 sept. 2003	8	3	5
À compter du 1 ^{er} oct. 2003			

Préparé à Oshawa, ce 2^e jour de septembre 2003.

MINISTÈRE DES FINANCES
Division du revenu fiscal
MARION E. CRANE
Sous-ministre adjointe

rétribution des députés (processus sans lien de dépendance)

REPORT OF THE HONOURABLE COULTER A. OSBORNE INTEGRITY COMMISSIONER

MPP COMPENSATION REFORM ACT (ARM'S LENGTH PROCESS), 2001

[1] On June 29, 2001 the *MPP Compensation Reform Act (Arm's Length Process), 2001* (the Act) received Royal Assent. The relevant parts of that Act read as follows:

1. (1) Every member of the Assembly shall be paid an annual salary of \$78,007 or such other amount as is determined under this section.

(1.1) The Integrity Commissioner appointed under the Members' Integrity Act, 1994 shall, at such intervals, as he or she considers appropriate, review the salary paid to members under subsection (1) and determine the appropriate salary.

(1.2) Following each review, the Integrity Commissioner shall prepare a report setting out the amount of the salary that he or she has determined.

...

(1.4) If the report provides for a salary change, the change takes effect on the day that the report is delivered to the Speaker and if the report so provides, an increase is retroactive to the date set out in the report.

[2] On August 27, 2001, acting under the jurisdiction provided by the Act, The Honourable Gregory Evans determined that effective April 1, 2001, 2002 and 2003 each member of the Legislative Assembly would receive a salary increase of 3%. Mr. Evans also determined that immediately after the election, now called for October 2, 2003, the salary of members shall increase by 25% and continue at that level until the first quadrennial review under the Act in 2005. Mr. Evans characterized this increase as a "catch-up" increase for the reasons set out in his August 27, 2001 Report. Mr. Evans further determined that after the next election (after October 2, 2003) members shall receive an annual increase in salary equal to the Ontario Industrial Average Wage Index, not to exceed 7%. This is a cost of living provision. As such it does not constitute a true salary increase.

[3] In summary form, as a result of Mr. Evans' salary determinations under the Act, members' salaries have increased by 3% in each of the years 2001, 2002 and 2003. Absent a further determination under the Act their salaries will increase by 25% following the October 2, 2003 election.

[4] The provisions of the Act are open ended in so far as my jurisdiction to review the salary paid to members under Section 1(1.1) of the Act is concerned. The statement reference to "... at such intervals as he or she considers appropriate, ..." makes that clear. I take it that the Legislature wanted the process for determining members' salaries to be flexible. Thus, although Mr. Evans did not contemplate a review of members' salaries before 2005, I think that changed circumstances warrant further consideration of the appropriateness of the 25% salary increase which, as I have said, will come into effect on October 2, 2003.

[5] The Premier and the Leaders of the Liberal and New Democratic Party have all made written submissions to me suggesting that the 25% salary increase which, as I have said above, would become effective on October 2, 2003, be terminated. In response to those submissions I contemplated undertaking a full review of members' salaries. After considering the matter further it seems to me that such a review is not warranted at this time, which would be about two years after Mr. Evans' comprehensive review.

[6] The destiny of the 25% salary increase does, however, present a more immediate problem. It is my opinion that given existing economic

[7] I propose to undertake a further, and comprehensive, review of members' salaries. At this time, I think that in fairness to members this review should take place in 2004, and certainly no later than early 2005. In my opinion that review should take into account the entire compensation package for members including salaries, pensions, benefits, applicable indemnities and the severance pay entitlement of former members. Although all elements of members' compensation should, I think, be taken into account in determining what members' salaries should be, my jurisdiction under the Act is restricted to salaries. That is to say that I do not have jurisdiction to determine, for example, what members pension arrangements should be. When I determine the timing of the further salary reviews under the Act, I will seek submissions from all interested parties.

DATED at Toronto this 5th day of September, 2003.

(6896) 40 THE HONOURABLE COULTER A. OSBORNE
Integrity Commissioner

Applications to Provincial Parliament — Private Bills Demandes au Parlement provincial — Projets de loi d'intérêt privé

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at <http://www.ontla.on.ca> or from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted.)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

(8699) T.F.N. CLAUDE L. DESROSIERS,
Clerk of the Legislative Assembly.

Sheriff's Sales of Lands Ventes de terrains par le shérif

UNDER AND BY VIRTUE OF a Writ of Seizure and Sale issued out of the Superior Court of Justice at Cornwall, Ontario, dated December 19, 2000, Court File Number 00-1508, to me directed, against the real and personal property of the ESTATE OF GLADYS IDA CARRIERE Defendant, at the suit of EMMA FARLINGER and KENT FARLINGER, Executors and Trustees of The Last Will and Testament of DOUGLAS CHARLES FARLINGER, Plaintiffs, I have seized and taken in execution all the right, title, interest and equity of redemption of the ESTATE OF GLADYS IDA CARRIERE, Defendant in and to:

Part of Lot 19, Plan 26, Geographic Village of Lancaster, Township of South Glengarry, County of Glengarry, being Parts 3 and 4 on Reference Plan 14R-1058, being known municipally as 29 Oak Street, Lancaster, Ontario. The property consists of a two bedroom house on a lot measuring 118 feet by 60.

All of which said right, title, interest and equity of redemption of the ESTATE OF GLADYS IDA CARRIERE, Defendant, in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at: The Courthouse, 29 Second

Sault Ste. Marie, Ontario, Canada, September 15, 2003, at 10:00 a.m.

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: Deposit 10% of bid price or \$1,000.00, whichever is greater

- Payable at time of sale by successful bidder
- To be applied to purchase price
- Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at 29 Second Street West, Cornwall, Ontario, K6J 1G3.

All payments in cash or certified cheque made payable to the Minister of Finance

Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price

Other conditions as announced

This sale is subject to cancellation by the sheriff without further notice up to time of sale.

NOTE: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

Enquiries may be directed to the Sheriff's office or to Thomas M. Byrne, Barrister and Solicitor, 132 Second Street West, Cornwall, Ontario, K6J 1G5, Tel (613) 938-2224.

Date: September 23, 2003.

DIANE BRUNET

Sheriff

29 Second Street West, Cornwall,

Ontario K6J 1G3, Tel (613) 933-7500

(4465) 40

UNDER AND BY VIRTUE OF a Writ of Seizure and Sale issued out of the Ontario Superior Court of Justice at 605 Rossland Road East, Whitby, ON dated September 27, 2002, Court File Number: 15935/02, to me directed, against the real and personal property of 1110532 ONTARIO LIMITED carrying on business as CAIRN TECHNOLOGIES Defendants, at the suit of THE BANK OF NOVA SCOTIA, Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of 1110532 ONTARIO LIMITED carrying on business as CAIRN TECHNOLOGIES, Defendant(s) in and to:

West half of Lot 5, Concession 5, in the Township of Madoc, in the County of Hastings, save and except Part 1 on Plan 21R-11087 as Described in Instrument no. 520790 and municipally known as: 40726B20 RR # 1, Madoc, Ontario

PLEASE NOTE: The first Mortgagee, The Bank of Nova Scotia, has agreed to discharge its mortgage registered against title to the property on October 24, 1995 as Instrument Number 520790 in consideration of \$40,000.00.

All of which said right, title, interest and equity of redemption of 1110532 ONTARIO LIMITED Carrying on business as CAIRN TECHNOLOGIES, Defendant, in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at, 235 Pinnacle Street, 2nd Floor Lobby, Belleville, Ontario, on Friday, November 7, 2003 at 10:00 a.m.

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: Deposit 10% of bid price or \$1,000.00, whichever is greater

- Payable at time of sale by successful bidder

- Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at 235 Pinnacle Street, Belleville, ON K8N 3A9.

All payments in cash or certified cheque made payable to the Minister of Finance

Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price

Other conditions as announced

This sale is subject to cancellation by the sheriff without further notice up to time of sale.

NOTE: No employee of the Ministry of the Attorney General may purchase any goods or chattels, lands or tenements exposed for sale by a Sheriff under legal process, either directly or indirectly.

Date: September 15, 2003.

J. SQUIRE

Sheriff

235 Pinnacle Street, Room 203

Belleville, ON K8N 3A9

(4466) 40

UNDER AND BY VIRTUE OF a Writ of Seizure and Sale of Lands issued out of the Ontario Superior Court of Justice at Sault Ste. Marie dated the 15th of January 2002, Court File Number 2448/89 to me directed, against the real and personal property of SEIJA LEMIEUX, GERARD LEMIEUX, personally and MARTTI LEMIEUX, JERRY LEMIEUX Jr. and ANDY LEMIEUX by the litigation guardian GERARD LEMIEUX, debtors, at the suit of JOHN RUSSELL CURRIE, PAUL BRIAN NELSON, WILLIAM MARTIN, JUDE LAKE, and HER MAJESTY THE QUEEN in Right of Ontario, creditors, the Sheriff's Office of the Superior Court of Justice located at 426 Queen Street E., Sault Ste. Marie, Ontario has seized and taken in execution all the right, title, interest and equity of redemption of SEIJA LEMIEUX, GERARD LEMIEUX personally and MARTTI LEMIEUX, JERRY LEMIEUX Jr. and ANDY LEMIEUX by their litigation guardian GERARD LEMIEUX, debtor in and to:

Parcel 8386, Algoma West Section, Being Lot 12, Plan M-353, Township of St. Mary's (Now City of Sault Ste. Marie), District of Algoma and municipally known as 16 Collins Street, Sault Ste. Marie, Ontario, P6A 6J2.

Lot 1, Plan H-558 Gray Subdivision and part of McCauley Road, Plan H-558 being part 1 on 1R-8652- closed by Order in Council reg as T-367554, Township of Haviland District of Algoma, Land Registry Division of Algoma (No. 1).

All of which said right, title, interest and equity of redemption of SEIJA LEMIEUX, GERARD LEMIEUX personally and MARTTI LEMIEUX, JERRY LEMIEUX Jr. and ANDY LEMIEUX by their litigation guardian GERARD LEMIEUX, debtors, in the said lands and tenements described above, I shall offer for sale by Public Auction subject to the conditions set out below at the Superior Court of Justice, 426 Queen Street E., Sault Ste. Marie, Ontario P6A 6W2 on November 7, 2003 at 1:30 p.m.

CONDITIONS:

The purchaser to assume responsibility for all mortgages, charges, liens, outstanding taxes, and other encumbrances. No representation is made regarding the title of the land or any other matter relating to the interest to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

TERMS: Deposit 10% of bid price or \$1,000.00, whichever is greater

- Payable at time of sale by successful bidder by cash, certified cheque or bank draft to the Minister of Finance
- To be applied to purchase price
- Non-refundable

Ten business days from date of sale to arrange financing and pay balance in full at 426 Queen Street E., Sault Ste. Marie, Ontario P6A 6W2.

Deed Poll provided by Sheriff only upon satisfactory payment in full of purchase price

Other conditions as announced

by a Sheriff under legal process, either directly or indirectly.

Dated this 23rd day of September 2003.

PAM MARSHALL
Sheriff's Office
426 Queen St. E.
Sault Ste. Marie, ON
P6A 6W2

(4469) 40

Sales of Lands for Tax Arrears by Public Tender Ventes de terrains par appel d'offres pour arriéré d'impôt

Municipal Act, 2001

SALE OF LANDS BY PUBLIC TENDER

THE CORPORATION OF THE CITY OF TIMMINS

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time Friday October 31, 2003, at The Municipal Office, Treasury Department. All tenders will be opened in public on the same day at 3:15 p.m. in the Council Chambers.

Description of Land(s): 01-01 The Surface Rights of Summer Resort Location W.E. 10, Township of Ogden, City of Timmins, District of Cochrane. Parcel 13270 South East Cochrane. Vacant Land, 22,215.60 sq.ft.

Minimum Tender Amount: \$3,026.04

Description of Land(s): 01-03 The Surface Rights of Mining Claim P. 5489, Township of Turnbull, City of Timmins, District of Cochrane. The Remainder of Parcel 3569 South East Cochrane. Vacant Land, 45.30 Acres.

Minimum Tender Amount: \$1,134.11

Description of Land(s): 01-04 The Surface Rights of Mining Claim P. 5488, Township of Turnbull, City of Timmins, District of Cochrane. The Remainder of Parcel 3568 South East Cochrane. Vacant Land, 37.60 Acres.

Minimum Tender Amount: \$1,104.32

Description of Land(s): 01-05 Firstly: The Surface Rights of Part of Lot 76 Plan M-8(Sudbury). Secondly: The Surface Rights of Part of Lot 67 Plan M-8(Sudbury), City of Timmins, District of Cochrane. The Remainder of Parcel 8980 Whitney and Tisdale. Vacant Land, 33.59' Frontage. "New Street"

Minimum Tender Amount: \$4,184.92

Description of Land(s): 01-07 The Surface Rights of Mining Claim P. 5983, Township of Robb, City of Timmins, District of Cochrane. The Remainder of Parcel 11648 South East Cochrane. Vacant Land, 3.82 Acres.

Minimum Tender Amount: \$3,513.12

Description of Land(s): 01-09 The Surface Rights of Lot 105 on Plan M-10 (Sudbury), City of Timmins, District of Cochrane. Parcel 2706 Whitney and Tisdale. Improved Land, 40' x 100' "134 Golden Avenue"

Minimum Tender Amount: \$50,292.44

Description of Land(s): 01-10 Firstly: The Surface Rights of Lot 57, except the West Half on Plan M-25 Cochrane, City of Timmins, District of Cochrane. Secondly: The Surface Rights of Lot 58, except the West Half on Plan M-25 Cochrane, City of Timmins, District of Cochrane. Parcel 8494 Whitney and Tisdale. Vacant Land, 49.75' x 94' "165A Moore Street"

Minimum Tender Amount: \$3,821.83

Minimum Tender Amount: \$1,831.55

Description of Land(s): 01-13 The Surface Rights of the North East Quarter of the North Half of Lot 3, Concession 6, Township of Wark, City of Timmins, District of Cochrane. Part of Parcel 14736 South East Cochrane. Vacant Land, 38.78 Acres.

Minimum Tender Amount: \$2,961.59

Description of Land(s): 01-18 The Surface Rights of Mining Claim P. 19668, Township of Langmuir, City of Timmins, District of Cochrane. Part of Parcel 6055 Centre Section Temiskaming. Vacant Land, 38.83 Acres.

Minimum Tender Amount: \$1,186.52

Description of Land(s): 01-19 The Surface Rights of Part of the North West Part of the North Part of Lot 8, Concession 5, Township of Whitney, City of Timmins, District of Cochrane. Part of Parcel 7962 Whitney and Tisdale. Vacant Land, 21.19 Acres.

Minimum Tender Amount: \$1,090.77

Description of Land(s): 01-20 The Surface Rights of the North West 10 Acres of the South West Quarter of the South Half of Lot 11, Concession 4, Township of Whitney, City of Timmins, District of Cochrane. Parcel 2829 Whitney and Tisdale. Vacant Land, 10.00 Acres.

Minimum Tender Amount: \$5,818.59

Description of Land(s): 01-21 The Surface Rights of Lot 44, Plan M-21 (Sudbury), Township of Whitney, City of Timmins, District of Cochrane. Parcel 11331 Whitney and Tisdale. Vacant Land, 50' x 100' "Rupert Street"

Minimum Tender Amount: \$1,047.16

Description of Land(s): 01-22 The Surface Rights of Lot 43 Plan M-21 (Sudbury), Township of Whitney, City of Timmins, District of Cochrane. Parcel 11330 Whitney and Tisdale. Vacant Land, 50' x 100' "Rupert Street"

Minimum Tender Amount: \$1,047.16

Description of Land(s): 01-23 The Surface Rights of Lots 187 and 188, Plan M-21(Sudbury), City of Timmins, District of Cochrane. Parcel 11011 Whitney and Tisdale. Vacant Land, 4,660 sq. ft. per lot, "Haileybury Crescent"

Minimum Tender Amount: \$3,552.01

Description of Land(s): 01-25 The Surface Rights of the South Half of Lot 3, Concession 5, Township of Matheson, City of Timmins, District of Cochrane. Part of Parcel 5739 South East Cochrane. Vacant Land, 163.00 Acres.

Minimum Tender Amount: \$5,358.32

Description of Land(s): 01-26 The Surface Rights of the North Half of Lot 12, Concession 4, Township of German, City of Timmins, District of Cochrane. Part of Parcel 2724 South East Cochrane. Vacant Land, 163.50 Acres.

Minimum Tender Amount: \$3,480.97

Description of Land(s): 01-29 The Surface Rights of Part Lot 66 6M-453, being Parts 1, 2 of Plan 6R-7062, City of Timmins, District of Cochrane. The Remainder of Parcel 66-1 6M-453. Vacant Land, 867.17 sq. ft. "JV Bonhomme Blvd."

Minimum Tender Amount: \$2,619.08

Description of Land(s): 01-30 The Surface Rights of Lots 48 and 50 on Plan M-109 Cochrane, City of Timmins, District of Cochrane. Parcel 20243 South East Cochrane. Vacant Land, 2.22 Acres per lot. "McBride Street"

Minimum Tender Amount: \$17,203.93

Description of Land(s): 01-31 The Surface Rights of Lots 47 and 49 on Plan M-109 Cochrane, City of Timmins, District of Cochrane. The Remainder of Parcel 14460 South East Cochrane. Vacant Land, 2.22 Acres per lot. "McBride Street"

Minimum Tender Amount: \$17,211.93

Description of Land(s): Part of the Balance Rights of Part of 2010 of and 86 Plan M-93 Cochrane, being Part 5 on Plan 6R-6151. City of Timmins, District of Cochrane. Remainder of Parcel 8671 Whitney and Tisdale. Vacant Land, 94' x 50' "Highway 101"
Minimum Tender Amount: \$1,401.14

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order, bank draft or cheque certified by a bank or trust corporation payable to the municipality or board and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to, or any other matters relating to the land being sold.

Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* being Part X1, Sale of Land for Tax Arrears. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

KIM BAZINET or JEAN FERETYCKI,
Deputy Tax Collectors
The Corporation of the City of Timmins
220 Algonquin Blvd. East,
Timmins, Ontario
P4N 1B3

(4467) 40

Municipal Act, 2001

SALE OF LANDS BY PUBLIC TENDER

THE CORPORATION OF THE TOWNSHIP OF MCKELLAR

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on October 22, 2003, at the Municipal Office.

The tenders will then be opened in public on the same day at 3:30 p.m. at the Municipal Office.

Description of Lands: Part of Lot 28, Concession 3, Township of McKellar, District of Parry Sound, designated as Part 1, Plan 42R-6763.
Minimum Tender Amount: \$5,011.27

Description of Lands: Parcel 21,184 Parry Sound South Section, being Part of Lot 28, Concession 6, Township of McKellar, District of Parry Sound, designated as Part 3, Plan 42R-7454.
Minimum Tender Amount: \$14,371.11

Description of Lands: Part of Lot A, Concession 8, Township of McKellar, District of Parry Sound, designated as Parts 4, 5 and 6, Plan 42R-14058.
Minimum Tender Amount: \$13,812.24

Description of Lands: Lot 24, Concession 3, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$6,790.19

Description of Lands: West half of the East half of Lot 10, Concession 10, Township of McKellar, District of Parry Sound as described in Instrument 1849.
Minimum Tender Amount: \$2,895.66

Description of Lands: Lot 23, Plan 301, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$5,505.69

Description of Lands: Parcel 15,371 Parry Sound South Section, being Lot 34, Plan M-142, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$3,853.35

Description of Lands: Parcel 20,104 Parry Sound South Section, being the East half of the East half of Lot 15, Concession 9, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$3,777.24

Description of Lands: Parcel 20,104 Parry Sound South Section, being Lot 118, Plan M-404, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$4,220.59

Description of Lands: Part of Parcel 13,878 Parry Sound South Section, being Part of Lot A, Concession 8, Township of McKellar, District of Parry Sound, designated as Parts 35 & 36, Plan 42R-2865.
Minimum Tender Amount: \$2,419.71

Description of Lands: Part of Lot 21, Concession 10, Township of McKellar, District of Parry Sound, PREMISING that the northerly limit of Lot 21, Concession 10 has an astronomical bearing of North 69 degrees 03 minutes 20 seconds east according to Registered Plan No. 247 and relating all bearings herein thereto. COMMENCING at a survey monument planted in the northeast corner of said Lot 21, Concession 10. THENCE south 69 degrees 03 minutes 20 seconds west following the said intersection with the easterly limit of the Township Road as travelled. THENCE in a general southeasterly direction following the said easterly limit of the Township Road as travelled to its intersection with the easterly limit of Lot 21, Concession 10. THENCE north 22 degrees 05 minutes 00 seconds west, 260 feet more or less following the said easterly limit of said Lot 21 to the point of commencement. The herein parcel of land being shown outlined in red on a plan dated the 7th of July, 1971, prepared by the L.U. Maughan Company limited and attached to Instrument number 49577. LAST DESCRIBED IN INSTRUMENT 102389.
Minimum Tender Amount: \$3,460.30

Description of Lands: Parcel 26,054 Parry Sound South Section, being the East half of the West half of Lot 14, Concession 9, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$3,351.93

Description of Lands: Parcel 25,897 Parry Sound South Section, being Lot 26, Plan 42M-600, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$6,796.61

Description of Lands: Remainder of Parcel 25,875 Parry Sound South Section, being Block 31, Plan 42M-600, Township of McKellar, District of Parry Sound.
Minimum Tender Amount: \$6,637.03

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

SHAWN BOGGS
Treasurer/Tax Collector
The Corporation of the Township
of McKellar
701 Hwy 124, P.O. Box 69,
McKellar, Ontario P0G 1C0
(705) 389-2842

(4468) 40

THE CORPORATION OF THE TOWN OF FORT ERIE

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on October 28, 2003, at the Municipal Centre, Clerk's Dept.

The tenders will then be opened in public on the same day at The Municipal Centre, Conf. Room 3 at 3:05 p.m.

Description of Land(s): 1. BRUNSWICK AVE SS, CON BFLE PT LOT 23 IR 66.00 FR 486.93 D, 0.74 ACRES, ROLL NUMBER 2703 020 012 13200

Minimum Tender Amount: \$10,321.53

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 2. DELAWARE AVE ES, PLAN 129 LOT 250 NP 469 40.00 FR 117.00 D, 0.11 ACRES, ROLL NUMBER 2703 020 010 98104

Minimum Tender Amount: \$2,584.09

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 3. BIDWELL PKY ES, PLAN 140 LOT 428 NP 480 IR 37.01 FR 106.32 D, 0.09 ACRES, ROLL NUMBER 2703 020 010 98217

Minimum Tender Amount: \$2,337.51

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 4. BIDWELL PKY ES, PLAN 140 LOT 442, 42.00 FR 105.00 D, 0.10 ACRES, ROLL NUMBER 2703 020 010 98228

Minimum Tender Amount: \$2,260.56

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 5. BIDWELL PKY WS, PLAN 140 LOT 473 CORNER 45.00 FR 105.00 D, 0.11 ACRES, ROLL NUMBER 2703 020 010 98271

Minimum Tender Amount: \$2,269.57

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 6. RICHMOND AVE ES, PLAN 140 LOT 569 TO 571 NP 480 115.00 FR 117.00 D, 0.31 ACRES, ROLL NUMBER 2703 020 010 98318

Minimum Tender Amount: \$3,061.05

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 7. RICHMOND AVE ES, PLAN 140 LOT 629 TO 631 NP 480 CORNER, 120.00 FR 105.00 D, 0.29 ACRES, ROLL NUMBER 2703 020 012 98355

Minimum Tender Amount: \$2,524.00

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 8. LIVINGSTON AVE WS, PLAN 140 LOT 672, 40.00 FR 105.00 D, 0.10 ACRES, ROLL NUMBER 2703 020 012 98417

Minimum Tender Amount: \$1,988.90

(Set out the cancellation price as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

form of tender, contact:

GILLIAN CORNEY
Manager of Revenue & Collections
The Corporation of the Town of
Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
(905) 871-1600 ext. 228

(4470) 40

Municipal Act, 2001

SALE OF LAND BY PUBLIC TENDER

THE CORPORATION OF THE CITY OF QUINTE WEST

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on October 24, 2003, at Sidney Ward Office, 1620 Wallbridge Loyalist Rd., R.R. #5, Belleville, Ont., K8N 4Z5.

The tenders will then be opened in public on the same day at 3:05 p.m. at Sidney Ward Office, 1620 Wallbridge Loyalist Rd., R.R. #5, Belleville, Ont., K8N 4Z5.

Description of Land(s): 1. Roll No. 12-04-020-035-18200, Part Lot 16, Plan 107, formerly City of Trenton, now City of Quinte West, County of Hastings being Part 1, Plan 21R-5591. Municipal Address: 47 Dundas St., East, Trenton, Ontario.

Minimum Tender Amount: \$165,183.61

(Set out the cancellation price as of the first day of advertising)

Description of Land(s): 2. Roll No. 12-04-020-035-22500, Part Lot 27, northwesterly side of Hawley Street, Plan 107, City of Trenton, now in the City of Quinte West, County of Hastings, being Parts 1 and 2, Plan 21R-6625. Municipal Address: 5 Bay Street, Trenton, Ontario.

Minimum Tender Amount: \$6,706.45

(Set out the cancellation price as of the first day of advertising)

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Act, 2001* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

JANET POWERS, Purchasing
Telephone No.: (613) 966-8330
Fax No.: (613) 966-4973
The Corporation of the City of
Quinte West
Sidney Ward Office
1620 Wallbridge Loyalist Road
R.R. #5
Belleville, Ontario K8N 4Z5

(4471) 40

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—10—04

ONTARIO REGULATION 377/03

made under the

FARM PRODUCTS MARKETING ACT

Made: September 10, 2003

Filed: September 15, 2003

Amending Reg. 400 of R.R.O. 1990

(By-laws for Local Boards)

Note: Regulation 400 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Clause 6 (b) of Regulation 400 of the Revised Regulations of Ontario, 1990 is amended by striking out “eight” and substituting “seven”.

2. Subsection 12 (2) of the Regulation is revoked.

Made by:

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

ROD STORK
Chair

GLORIA MARCO BORYS
Secretary

Date made: September 10, 2003.

40/03

ONTARIO REGULATION 378/03

made under the

HIGHWAY TRAFFIC ACT

Made: September 11, 2003

Filed: September 15, 2003

Amending Reg. 621 of R.R.O. 1990

(Speed Limits in Territory Without Municipal Organization)

Note: Regulation 621 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Regulation 621 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedule:

SCHEDULE 11

1. That part of the highway known as McKenzie Portage Road in the Unsurveyed Territory in the Territorial District of Kenora beginning at a point situate 700 metres south of its intersection with the King's Highway known as No. 17 at the City of Kenora and extending southerly a distance of 4.4 kilometres.

2. Fifty kilometres per hour.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: September 11, 2003.

40/03

ONTARIO REGULATION 379/03

made under the

HIGHWAY TRAFFIC ACT

Made: September 11, 2003

Filed: September 15, 2003

Amending Reg. 623 of R.R.O. 1990
(Stop Signs at Intersections)

Note: Regulation 623 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Schedule 58 to Regulation 623 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

SCHEDULE 58

1. Highway No. 28 in the Township of Douro-Dummer in the County of Peterborough at its intersection with the roadway known as Peterborough County Road No. 4.

2. Northbound and southbound on Highway No. 28.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: September 11, 2003.

40/03

made under the

INSURANCE ACT

Made: September 16, 2003
Filed: September 18, 2003

Amending O. Reg. 403/96

(Statutory Accident Benefits Schedule — Accidents on or after November 1, 1996)

Note: Ontario Regulation 403/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Subparagraph 2 i of subsection 7 (1) of Ontario Regulation 403/96 is revoked and the following substituted:

- i. \$300, if the income replacement benefit is payable to the person pursuant to a motor vehicle liability policy issued or renewed on or after January 1, 2004 or out of the Motor Vehicle Accident Claims Fund in respect of an accident that occurs on or after January 1, 2004, or \$400, in any other case.

2. Paragraph 1 of subsection 27 (1) of the Regulation is revoked and the following substituted:

- 1. An optional income replacement benefit that fixes the amount referred to in subparagraph ii of paragraph 2 of subsection 7 (1) at \$400, \$600, \$800 or \$1,000, as selected by the named insured under the policy, for the purpose of determining the weekly amount of an income replacement benefit.

3. Subsections 68 (4) and (5) of the Regulation, as made by section 33 of Ontario Regulation 281/03, are revoked and the following substituted:

(4) If an attempt is made to personally deliver a document to a person at his or her place of residence and, for any reason, it is not possible to personally deliver the document to the person, the document may be delivered by leaving a copy, in a sealed envelope addressed to the person, at the person's place of residence with anyone who appears to be an adult member of the same household.

(5) In the absence of evidence to the contrary, a person is deemed to receive anything delivered by letter mail, certified mail or registered mail under clause (2) (d) on the fifth business day after the day the document is mailed in accordance with clause (2) (d).

4. (1) Sections 1 and 2 come into force on January 1, 2004.

(2) Section 3 comes into force on October 1, 2003.

RÈGLEMENT DE L'ONTARIO 380/03

pris en application de la

LOI SUR LES ASSURANCES

pris le 16 septembre 2003
déposé le 18 septembre 2003

modifiant le Règl. de l'Ont. 403/96

(Annexe sur les indemnités d'accident légales — accidents survenus le 1^{er} novembre 1996 ou après ce jour)

Remarque : Le Règlement de l'Ontario 403/96 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site <http://www.lois-en-ligne.gouv.on.ca>.

1. La sous-disposition 2 i du paragraphe 7 (1) du Règlement de l'Ontario 403/96 est abrogée et remplacée par ce qui suit :

- i. 300 \$, si l'indemnité de remplacement de revenu est payable à la personne conformément à une police de responsabilité automobile établie ou renouvelée le 1^{er} janvier 2004 ou après cette date ou par prélèvement sur le Fonds d'indemnisation des victimes d'accidents de véhicules automobiles à l'égard d'un accident qui survient le 1^{er} janvier 2004 ou après cette date, ou 400 \$, dans les autres cas.

2. La disposition 1 du paragraphe 27 (1) du Règlement est abrogée et remplacée par ce qui suit :

1. Une indemnité optionnelle de remplacement de revenu qui fixe le montant visé à la sous-disposition ii de la disposition 2 du paragraphe 7 (1) à 400 \$, 600 \$, 800 \$ ou 1 000 \$, au choix de l'assuré nommément désigné aux termes de la police, aux fins du calcul du montant hebdomadaire de l'indemnité de remplacement de revenu.

3. Les paragraphes 68 (4) et (5) du Règlement, tels qu'ils sont pris par l'article 33 du Règlement de l'Ontario 281/03, sont abrogés et remplacés par ce qui suit :

(4) Lorsque, pour une raison quelconque, les efforts pour remettre un document à personne au domicile du destinataire s'avèrent vains, ce document peut être remis en remettant une copie sous pli cacheté au domicile du destinataire à une personne qui paraît majeure et semble faire partie du même ménage.

(5) En l'absence de preuve contraire, le destinataire est réputé avoir reçu toute chose envoyée par poste-lettres, par courrier certifié ou par courrier recommandé en vertu de l'alinéa (2) d) le cinquième jour ouvrable suivant celui de sa mise à la poste conformément à l'alinéa (2) d).

4. (1) Les articles 1 et 2 entrent en vigueur le 1^{er} janvier 2004.

(2) L'article 3 entre en vigueur le 1^{er} octobre 2003.

40/03

ONTARIO REGULATION 381/03

made under the

INSURANCE ACT

Made: September 16, 2003

Filed: September 18, 2003

Amending O. Reg. 461/96

(Court Proceedings for Automobile Accidents that Occur on or after November 1, 1996)

Note: Ontario Regulation 461/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

1. Ontario Regulation 461/96 is amended by adding the following sections:

DEFINITION OF PERMANENT SERIOUS IMPAIRMENT OF AN IMPORTANT PHYSICAL, MENTAL OR PSYCHOLOGICAL FUNCTION

4.1 For the purposes of section 267.5 of the Act,

“permanent serious impairment of an important physical, mental or psychological function” means impairment of a person that meets the criteria set out in section 4.2.

4.2 (1) A person suffers from permanent serious impairment of an important physical, mental or psychological function if all of the following criteria are met:

1. The impairment must,

- i. substantially interfere with the person's ability to continue his or her regular or usual employment, despite reasonable efforts to accommodate the person's impairment and the person's reasonable efforts to use the accommodation to allow the person to continue employment,
- ii. substantially interfere with the person's ability to continue training for a career in a field in which the person was being trained before the incident, despite reasonable efforts to accommodate the person's impairment and the person's reasonable efforts to use the accommodation to allow the person to continue his or her career training, or
- iii. substantially interfere with most of the usual activities of daily living, considering the person's age.

2. For the function that is impaired to be an important function of the impaired person, the function must,

- i. be necessary to perform the activities that are essential tasks of the person's regular or usual employment, taking into account reasonable efforts to accommodate the person's impairment and the person's reasonable efforts to use the accommodation to allow the person to continue employment,
- ii. be necessary to perform the activities that are essential tasks of the person's training for a career in a field in which the person was being trained before the incident, taking into account reasonable efforts to accommodate

continue his or her career training,

- iii. be necessary for the person to provide for his or her own care or well-being, or
- iv. be important to the usual activities of daily living, considering the person's age.

3. For the impairment to be permanent, the impairment must,

- i. have been continuous since the incident and must, based on medical evidence and subject to the person reasonably participating in the recommended treatment of the impairment, be expected not to substantially improve,
- ii. continue to meet the criteria in paragraph 1, and
- iii. be of a nature that is expected to continue without substantial improvement when sustained by persons in similar circumstances.

(2) This section applies with respect to any incident that occurs on or after October 1, 2003.

EVIDENCE ADDUCED TO PROVE PERMANENT SERIOUS IMPAIRMENT OF AN IMPORTANT PHYSICAL,
MENTAL OR PSYCHOLOGICAL FUNCTION

4.3 (1) A person shall, in addition to any other evidence, adduce the evidence set out in this section to support the person's claim that he or she has sustained permanent serious impairment of an important physical, mental or psychological function for the purposes of section 267.5 of the Act.

(2) The person shall adduce evidence of one or more physicians, in accordance with this section, that explains,

- (a) the nature of the impairment;
- (b) the permanence of the impairment;
- (c) the specific function that is impaired; and
- (d) the importance of the specific function to the person.

(3) The evidence of the physician,

- (a) shall be adduced by a physician who is trained for and experienced in the assessment or treatment of the type of impairment that is alleged; and
- (b) shall be based on medical evidence, in accordance with generally accepted guidelines or standards of the practice of medicine.

(4) The evidence of the physician shall include a conclusion that the impairment is directly or indirectly sustained as the result of the use or operation of an automobile.

(5) In addition to the evidence of the physician, the person shall adduce evidence that corroborates the change in the function that is alleged to be a permanent serious impairment of an important physical, mental or psychological function.

(6) This section applies with respect to any incident that occurs on or after October 1, 2003.

2. Section 5 of the Regulation is revoked.

3. This Regulation comes into force on the later of the day it is filed and October 1, 2003.

40/03

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—10—11

ONTARIO REGULATION 382/03

made under the

WINE CONTENT AND LABELLING ACT, 2000

Made: September 22, 2003

Filed: September 23, 2003

Amending O. Reg. 659/00
(Content and Labelling of Wine)

Note: Ontario Regulation 659/00 has not previously been amended.

1. (1) Section 2 of Ontario Regulation 659/00 is amended by adding the following subsection:

(2.1) Despite subsection (2), the minimum requirement set out in that subsection is reduced to 10 per cent grapes grown in Ontario or grape product produced from such grapes to which no water has been added at any time in the case of wine that is packaged on or after the day Ontario Regulation 382/03 comes into force and before February 1, 2005.

(2) Subsection 2 (3) of the Regulation is amended by adding “or (2.1)” after “(2)”.

41/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—10—18

ONTARIO REGULATION 383/03

made under the

HIGHWAY TRAFFIC ACT

Made: September 29, 2003

Filed: October 1, 2003

Amending Reg. 598 of R.R.O. 1990

(Gross Weight on Bridges)

Note: Regulation 598 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Section 1 of Regulation 598 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

1. No person shall move a vehicle or combination of vehicles on, over or upon a bridge described in Column 1 of Schedule 1, 2, 3 or 3.1 if the gross weight of the vehicle or combination of vehicles is greater than the weight in tonnes set opposite in Column 2.

2. The Regulation is amended by adding the following Schedule:

SCHEDULE 3.1 SIOUX NARROWS BRIDGE

Column 1	Column 2
Bridge	Gross Weight Limit in Tonnes
Bridge No. 41S-71, known as the Sioux Narrows Bridge, on that part of the King's Highway known as No. 71 in the Township of Sioux Narrows — Nestor Falls, in the Territorial District of Kenora over the Lake of Woods.	15 tonnes

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: September 29, 2003.

42/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».



Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—10—25

ONTARIO REGULATION 384/03

made under the

HIGHWAY TRAFFIC ACT

Made: October 6, 2003

Filed: October 9, 2003

Amending Reg. 624 of R.R.O. 1990

(Stop Signs in Territories Without Municipal Organization)

Note: Regulation 624 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Regulation 624 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedules:

SCHEDULE 141

1. The highway known as Sam's Road in the unorganized Township of Laurier in the Territorial District of Parry Sound at its intersection with the highway known as Forestry Road.
2. Northbound on Sam's Road.

SCHEDULE 142

1. The highway known as Timpano's Road in the unorganized Township of Laurier in the Territorial District of Parry Sound at its intersection with the highway known as Forestry Road.
2. Northbound on Timpano's Road.

SCHEDULE 143

1. The highway known as Boulder Road in the unorganized Township of Laurier in the Territorial District of Parry Sound at its intersection with the highway known as Chemical Road.
2. Northbound on Boulder Road.

SCHEDULE 144

1. The highway known as Fisher's Road in the unorganized Township of Laurier in the Territorial District of Parry Sound at its intersection with the highway known as Boulder Road.
2. Eastbound on Fisher's Road.

SCHEDULE 145

1. The highway known as Brennen's Road in the unorganized Township of Laurier in the Territorial District of Parry Sound at its intersection with the highway known as Boulder Road.
2. Westbound on Brennen's Road.

SCHEDULE 146

1. The highway known as Brennen's Hill Road in the unorganized Township of Laurier in the Territorial District of Parry Sound at its intersection with the highway known as Brennen's Road.
2. Southbound on Brennen's Hill Road.

SCHEDULE 147

1. The highway known as Mink Lake Road in the unorganized Township of Ballantyne in the Territorial District of Nipissing at its intersection with the highway known as Forestry Road.
2. Westbound on Mink Lake Road.

SCHEDULE 148

1. The highway known as Smyth Lake Road in the unorganized Township of Ballantyne in the Territorial District of Nipissing at its intersection with the highway known as Forestry Road.
2. Eastbound on Smyth Lake Road.

SCHEDULE 149

1. The highway known as Miller Street in the unorganized Municipality of Gogama in the Territorial District of Sudbury at its intersection with the highway known as Highway No. 661.
2. Northbound on Highway No. 661.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: October 6, 2003.

43/03

ONTARIO REGULATION 385/03

made under the

HIGHWAY TRAFFIC ACT

Made: October 6, 2003

Filed: October 9, 2003

Amending Reg. 619 of R.R.O. 1990
(Speed Limits)

Note: Regulation 619 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Paragraph 28 of Part 3 of Schedule 6 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Part 4 of Schedule 6 to the Regulation is amended by adding the following paragraph:

Regional Municipality of York — Town of Markham

Regional Municipality of Durham — City of Pickering

24. That part of the King's Highway known as No. 7 lying between a point situate 145 metres measured easterly from its intersection with the centre of the Canadian Pacific Railway right-of-way in the Town of Markham in The Regional Municipality of York and a point situate 185 metres measured easterly from the boundary line between The Regional Municipality of York and The Regional Municipality of Durham in the City of Pickering in The Regional Municipality of Durham.

2. The Regulation is amended by adding the following Schedules:

SCHEDULE 268

HIGHWAY NO. 585

PART 1

(Reserved)

(Reserved)

PART 3

(Reserved)

PART 4

(Reserved)

PART 5

Thunder Bay — Twp. of Nipigon

1. That part of the King's Highway known as No. 585 in the Township of Nipigon in the Territorial District of Thunder Bay lying between a point situate at its intersection with the centre line of King's Highway known as No. 11/17 in the Township of Nipigon and extending northerly to a point situate 260 metres north of Lofquist Road.

SCHEDULE 269

HIGHWAY NO. 657

PART 1

(Reserved)

PART 2

(Reserved)

PART 3

(Reserved)

PART 4

(Reserved)

PART 5

(Reserved)

PART 6

District of Kenora — Twp. of Ear Falls

1. That part of the King's Highway known as No. 657 in the Township of Ear Falls in the Territorial District of Kenora beginning at a point situate at its intersection with the centre line of the King's Highway known as No. 105 and extending easterly for a distance of 800 metres.

District of Kenora — Twp. of Ear Falls

2. That part of the King's Highway known as No. 657 in the Township of Ear Falls in the Territorial District of Kenora beginning at a point situate at the easterly most limit of Highway No. 657 and extending westerly for a distance of 1500 metres.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: October 6, 2003.

43/03

ONTARIO REGULATION 386/03

made under the

HIGHWAY TRAFFIC ACT

Made: October 6, 2003

Filed: October 9, 2003

Amending Reg. 619 of R.R.O. 1990
(Speed Limits)

Note: Regulation 619 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Part 6 of Schedule 38 to Regulation 619 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

City of Kingston

1. That part of the King's Highway known as No. 33 in the City of Kingston beginning at the westerly limit of the roadway known as Collins Bay Road and extending westerly for a distance of 460 metres.

2. (1) Part 3 of Schedule 105 to the Regulation is amended by adding the following paragraphs:

Hastings — Twp. of Faraday

Haliburton — Municipality of Highlands East

6. That part of the King's Highway known as No. 118 in the Counties of Hastings and Haliburton lying between a point situate at the westerly limit of the King's Highway known as No. 28 in the Township of Faraday and a point situate 400 metres measured easterly from its intersection with the westerly limit of the roadway known as Haliburton County Road No. 503 in the Municipality of Highlands East.

Haliburton — Municipality of Highlands East

Town of Haliburton

7. That part of the King's Highway known as No. 118 in the County of Haliburton lying between a point situate 350 metres measured westerly from its intersection with the westerly limit of the roadway known as Haliburton County Road No. 503 in the Municipality of Highlands East and a point situate 350 metres measured easterly from the westerly limit of the roadway known as South Street in the Town of Haliburton.

(2) Part 5 of Schedule 105 to the Regulation is amended by adding the following paragraph:

Haliburton — Municipality of Highlands East

1. That part of the King's Highway known as No. 118 in the County of Haliburton beginning at a point situate 400 metres measured easterly from its intersection with the westerly limit of the roadway known as Haliburton County Road No. 503 in the Municipality of Highlands East and extending westerly for a distance of 750 metres.

(3) Paragraph 3 of Part 5 of Schedule 105 to the Regulation is revoked and the following substituted:

Haliburton — Town of Haliburton

Twp. of Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock

3. That part of the King's Highway known as No. 118 in the Township of Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock in the County of Haliburton lying between a point situate 845 metres measured northerly from its intersection with the southerly limit of the roadway known as Highland Street in the Town of Haliburton and a point situate 950 metres measured northerly from its intersection with the centre line of the roadway known as Bayshore Acres Road.

(4) Paragraph 1 of Part 6 of Schedule 105 to the Regulation is revoked and the following substituted:

Haliburton — Town of Haliburton

Twp. of Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock

1. That part of the King's Highway known as No. 118 in the Township of Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock in the County of Haliburton beginning at a point situate 680 metres measured northerly from its intersection with the southerly limit of the roadway known as Highland Street in the Town of Haliburton and extending northerly for a distance of 165 metres.

3. (1) Paragraph 4 of Part 5 of Schedule 106 to the Regulation is revoked.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: October 6, 2003.

43/03

ONTARIO REGULATION 387/03

made under the

HIGHWAY TRAFFIC ACT

Made: October 6, 2003

Filed: October 9, 2003

Amending Reg. 619 of R.R.O. 1990
(Speed Limits)

Note: Regulation 619 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Paragraphs 19 and 22 of Part 3 of Schedule 6 to Regulation 619 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

**Regional Municipality of Durham — Town of Whitby
Twp. of Scugog**

19. That part of the King's Highway known as Nos. 7 and 12 in The Regional Municipality of Durham lying between a point situate 1715 metres measured northerly from its intersection with the centre line of the roadway known as Durham Regional Road No. 5 in the Town of Whitby and a point situate 1400 metres measured southerly from its intersection with the centre line of the roadway between concessions 10 and 11 in the Township of Scugog.

Regional Municipality of Durham — Twps. of Scugog and Brock

22. That part of the King's Highway known as Nos. 7 and 12 in The Regional Municipality of Durham lying between a point situate 1030 metres measured northerly from its intersection with the centre line of the roadway between concessions 10 and 11 in the Township of Scugog and a point situate 195 metres measured northerly from its intersection with the centre line of roadway known as Durham Regional Road No. 13 in the Township of Brock.

(2) Paragraphs 16 and 17 of Part 4 of Schedule 6 to the Regulation are revoked and the following substituted:

Regional Municipality of Durham — Twp. of Scugog

16. That part of the King's Highway known as Nos. 7 and 12 in the Township of Scugog in The Regional Municipality of Durham lying between a point situate 1400 metres measured southerly from its intersection with the centre line of the roadway between concessions 10 and 11 and a point situate 800 metres measured southerly from that intersection.
17. That part of the King's Highway known as Nos. 7 and 12 in the Township of Scugog in The Regional Municipality of Durham beginning at a point situate 700 metres measured northerly from its intersection with the centre line of the roadway between concessions 10 and 11 and extending northerly for a distance of 330 metres.

(3) Paragraph 5 of Part 6 of Schedule 6 to the Regulation is revoked and the following substituted:

Regional Municipality of Durham — Twp. of Scugog

5. That part of the King's Highway known as Nos. 7 and 12 in the Township of Scugog in The Regional Municipality of Durham lying between a point situate 800 metres measured southerly from its intersection with the centre line of the roadway between concessions 10 and 11 and a point situate 700 metres measured northerly from that intersection.

2. (1) Paragraphs 3 and 4 of Part 3 of Schedule 16 to the Regulation are revoked and the following substituted:

**Regional Municipality of Durham — Town of Whitby
Twp. of Scugog**

3. That part of the King's Highway known as Nos. 7 and 12 in The Regional Municipality of Durham lying between a point situate 1715 metres measured northerly from its intersection with the centre line of the roadway known as Durham Regional Road No. 5 in the Town of Whitby and a point situate 1400 metres measured southerly from its intersection with the centre line of the roadway between concessions 10 and 11 in the Township of Scugog.

Regional Municipality of Durham — Twps. of Scugog and Brock

4. That part of the King's Highway known as Nos. 7 and 12 in The Regional Municipality of Durham lying between a point situate 1030 metres measured northerly from its intersection with the centre line of the roadway between concessions 10 and 11 in the Township of Scugog and a point situate 195 metres measured northerly from its intersection with the centre line of roadway known as Durham Regional Road No. 13 in the Township of Brock.

(2) Paragraphs 3 and 4 of Part 4 of Schedule 16 to the Regulation are revoked and the following substituted:

Regional Municipality of Durham — Twp. of Scugog

3. That part of the King's Highway known as Nos. 7 and 12 in the Township of Scugog in The Regional Municipality of Durham lying between a point situate 1400 metres measured southerly from its intersection with the centre line of the roadway between concessions 10 and 11 and a point situate 800 metres measured southerly from that intersection.
4. That part of the King's Highway known as Nos. 7 and 12 in the Township of Scugog in The Regional Municipality of Durham beginning at a point situate 700 metres measured northerly from its intersection with the centre line of the roadway between concessions 10 and 11 and extending northerly for a distance of 330 metres.

(3) Paragraph 3 of Part 6 of Schedule 16 to the Regulation is revoked and the following substituted:

Regional Municipality of Durham — Twp. of Scugog

3. That part of the King's Highway known as Nos. 7 and 12 in the Township of Scugog in The Regional Municipality of Durham lying between a point situate 800 metres measured southerly from its intersection with the centre line of the roadway between concessions 10 and 11 and a point situate 700 metres measured northerly from that intersection.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: October 6, 2003.

43/03

ONTARIO REGULATION 388/03

made under the

HIGHWAY TRAFFIC ACT

Made: October 6, 2003

Filed: October 9, 2003

Amending Reg. 619 of R.R.O. 1990
(Speed Limits)

Note: Regulation 619 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Paragraph 1 of Part 3 of Schedule 16 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

1. That part of the King's Highway known as No. 12 in the Town of Whitby in The Regional Municipality of Durham lying between a point situate at its intersection with the centre line of the roadway known as Garden Street and a point situate 570 metres measured southerly from its intersection with the centre line of the King's Highway known as No. 7.

(2) Part 4 of Schedule 16 to the Regulation is amended by adding the following paragraph:

Regional Municipality of Durham — Town of Whitby

1. That part of the King's Highway Known as No. 12 in the Town of Whitby in The Regional Municipality of Durham beginning at a point situate 370 metres measured southerly from its intersection with the centre line of the King's Highway known as No. 7 and extending southerly for a distance of 200 metres.

(3) Paragraph 1 of Part 6 of Schedule 16 to the Regulation is revoked and the following substituted:

Regional Municipality of Durham — Town of Whitby

1. That part of the King's Highway known as No. 12 in the Town of Whitby in The Regional Municipality of Durham beginning at a point situate at its intersection with the centre line of the King's Highway known as No. 7 and extending southerly for a distance of 370 metres.

2. (1) Paragraph 2 of Part 2 of Schedule 76 to the Regulation is revoked and the following substituted:

District of Rainy River — Manitou Rapids I.R. No. 11

Twp. of Claxton

2. That part of the King's Highway known as No. 71 in the Territorial District of Rainy River lying between a point situate 900 metres measured northerly from its westerly intersection with the King's Highway known as No. 11 in the Manitou Rapids Indian Reserve No. 11 and a point situate 1250 metres measured southerly from its intersection with the roadway known as Dock Road in the locality of Nestor Falls in the Township of Claxton.

(2) Paragraph 1 of Part 4 of Schedule 76 to the Regulation is revoked.

(3) Part 5 of Schedule 76 to the Regulation is amended by adding the following paragraph:

District of Rainy River — Twp. of Claxton

District of Kenora — Twp. of Godson

4. That part of the King's Highway known as No. 71 in the Township of Claxton in the Territorial District of Rainy River lying between a point situate 1250 metres measured southerly from its intersection with the roadway known as Dock Road in the locality known as Nestor Falls and a point situate 500 metres measured northerly from its intersection with the roadway known as Airport Road/Sabaskong Bay Road in the locality of Nestor Falls in the Township of Godson in the Territorial District of Kenora.

Made by:

FRANK F. KLEES
Minister of Transportation

Date made: October 6, 2003.

43/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—11—01

ONTARIO REGULATION 389/03

made under the

ONTARIO PLANNING AND DEVELOPMENT ACT, 1994

Made: October 17, 2003

Filed: October 17, 2003

Amending O. Reg. 482/73

(County of Halton (now The Regional Municipality of Halton), City of Burlington)

Note: Ontario Regulation 482/73 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Ontario Regulation 482/73 is amended by adding the following section:

159. (1) Despite paragraphs 4 and 5 of section 7, the detached accessory garage existing on the day this section comes into force on the land described in subsection (2) may be extended and enlarged if the following requirements are met:

Maximum Height	5.48 metres
Maximum Floor Area	63.09 square metres

(2) Subsection (1) applies to that parcel of land in the City of Burlington in The Regional Municipality of Halton, being Lots 110 and 111, and part of Lots 109 and 112 on Registered Plan 651 registered in the Land Registry Office for the Land Registry Division of Halton (No. 20), further described as Property Identifier Number 07191-0059 (LT).

Made by:

VICTOR DOYLE
Manager
Municipal Services Office — Central Ontario
Ministry of Municipal Affairs and Housing

Date made: October 17, 2003.

44/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—11—15

ONTARIO REGULATION 390/03

made under the

ASSESSMENT ACT

Made: October 30, 2003

Filed: October 30, 2003

OMITTED ASSESSMENT — TRAILERS

Non-application of s. 33 (1) of the Act

1. (1) Subsection 33 (1) of the Act does not apply with respect to a trailer that is omitted from the tax roll for any part or all of 2001 or 2002 unless, before the day this Regulation comes into force, the trailer was entered on the tax roll for part or all of 2001 or 2002.

(2) In this section,

“trailer” means a building or structure used for residential purposes that is designed, constructed or manufactured to be transportable in one or more sections and that is affixed to or placed on land that is a seasonal trailer park, but does not include the land to which it is affixed or on which it is placed.

Made by:

GREGORY SORBARA
Minister of Finance

Date made: October 30, 2003.

46/03

ONTARIO REGULATION 391/03

made under the

INCOME TAX ACT

Made: October 30, 2003

Filed: October 30, 2003

Revoking O. Reg. 361/03
(Seniors Property Tax Credit)

1. Ontario Regulation 361/03 is revoked.

Made by:

GREGORY SORBARA
Minister of Finance

Date made: October 30, 2003.

46/03

ONTARIO REGULATION 392/03

made under the

ONTARIO HOME PROPERTY TAX RELIEF FOR SENIORS ACT, 2003Made: October 30, 2003
Filed: October 30, 2003Revoking O. Reg. 360/03
(General)**1. Ontario Regulation 360/03 is revoked.**

Made by:

GREGORY SORBARA
Minister of Finance

Date made: October 30, 2003.

46/03

CORRECTION

Ontario Regulation 197/03 under the *Homes for the Aged and Rest Homes Act* published in the May 31, 2003 issue of *The Ontario Gazette*.

The portion preceding paragraph 1 of Schedule 1 should have read as follows:

The board of management for the District of Algoma shall consist of six members and the areas they represent and the manner of their appointment shall be as follows:

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—11—22

ONTARIO REGULATION 393/03

made under the

PLANNING ACT

Made: November 4, 2003

Filed: November 4, 2003

ZONING AREA — REGIONAL MUNICIPALITY OF YORK, PART OF THE TOWN OF RICHMOND HILL

Application

1. This Order applies to land in the Town of Richmond Hill in The Regional Municipality of York, being the land shown as the Zoning Area on Map 213, which map is dated November 4, 2003 and is,

- (a) available in print form at the Toronto office of the Ministry of Municipal Affairs at 777 Bay Street; and
- (b) posted on the internet at www.mah.gov.on.ca/userfiles/HTML/nts_1_16035_1.html.

Use of land

2. (1) Every use of land and every erection, location and use of any building or structure is prohibited on the land described in section 1 except,

- (a) land, buildings and structures used for the purpose of conserving, preserving and protecting plant and wildlife; and
 - (b) uses, buildings and structures lawfully in existence on the date this Order comes into force.
- (2) Additions to and the extension or enlargement of any building or structure is prohibited.

Conditions

3. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Revocation

4. This Order is revoked on November 20, 2003.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: November 4, 2003.

47/03

ONTARIO REGULATION 394/03

made under the

INSURANCE ACT

Made: November 5, 2003

Filed: November 7, 2003

Amending O. Reg. 380/03

(O. Reg. 380/03 was an amendment to O. Reg. 403/96 — Statutory Accident Benefits Schedule — Accidents on or after November 1, 1996)

Note: Ontario Regulation 380/03 has not previously been amended.

1. Sections 1 and 2 of Ontario Regulation 380/03 are revoked.

RÈGLEMENT DE L'ONTARIO 394/03

pris en application de la

LOI SUR LES ASSURANCES

pris le 5 novembre 2003

déposé le 7 novembre 2003

modifiant le Règl. de l'Ont. 380/03

(Le Règl. de l'Ont. 380/03 modifiait le Règl. de l'Ont. 403/96 :

Annexe sur les indemnités d'accident légales — accidents survenus le 1^{er} novembre 1996 ou après ce jour)

Remarque : Le Règlement de l'Ontario 380/03 n'a pas été modifié antérieurement.

1. Les articles 1 et 2 du Règlement de l'Ontario 380/03 sont abrogés.

47/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—11—29

ONTARIO REGULATION 395/03

made under the

LAND REGISTRATION REFORM ACT

Made: October 29, 2003
Filed: November 10, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Ontario Regulation 16/99 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by adding the following item:

Column 1	Column 2
Waterloo (No. 58)	November 10, 2003

Made by:

JIM WATSON
Minister of Consumer and Business Services

Date made: October 29, 2003.

48/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».



Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—12—06

ONTARIO REGULATION 396/03

made under the

PLANNING ACT

Made: November 17, 2003

Filed: November 17, 2003

Amending O. Reg. 154/03

(Zoning Area — Regional Municipality of Durham, Part of the City of Pickering)

Note: Ontario Regulation 154/03 has not previously been amended.

1. Ontario Regulation 154/03 is amended by adding the following section:

14. (1) Despite paragraphs 2 and 4 of section 5, an accessory building and structure may be erected, located and used on the lands described in subsection (2), if the following requirements are met:

1. The accessory building or structure shall be set back a minimum of 0.9 metres from all lot lines.
2. The total lot coverage of all accessory buildings or structures, excluding private detached garages, shall not exceed 6 per cent of the total lot area.

(2) Subsection (1) applies to that parcel of land in the City of Pickering in The Regional Municipality of Durham, being Lot 3 Plan 558, further described as Property Identifier Number 26371-0479 (LT) and registered in the Registry Office for the Land Titles Division of Durham (No. 40).

Made by:

VICTOR DOYLE
Manager
Municipal Services Office — Central Ontario
Ministry of Municipal Affairs

Date made: November 17, 2003.

49/03

ONTARIO REGULATION 397/03

made under the

ASSESSMENT ACT

Made: November 19, 2003

Filed: November 20, 2003

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Ontario Regulation 282/98 is amended by adding the following section:

42.2 (1) For the 2004 taxation year, the assessed value of a pipe line shall be determined as follows:

1. The length of the pipe line in feet shall be multiplied by the applicable rate in Table 15, 16 or 17 of this Part. Table 15 applies to offshore pipe lines. Table 16 applies to plastic field gathering pipe lines and plastic gas distribution pipe lines. Table 17 applies to other pipe lines.
2. The amount determined under paragraph 1 shall be depreciated by reducing the amount by the applicable percentage in Table 18 for offshore pipe lines and in Table 19 for plastic field gathering pipe lines, plastic gas distribution pipe lines and other pipe lines.
3. After the reduction under paragraph 2, \$250 shall be added for each connection to an end user.

(2) If Table 15, 16 or 17 applies, but the outside diameter of the pipe line is not included in the Table, the applicable rate for the purposes of paragraph 1 of subsection (1) is the rate for the closest outside diameter or range of outside diameter that is included in the Table.

2. Part VIII of the Regulation is amended by adding the following Tables:

TABLE 15
OFFSHORE PIPE LINES

Outside Diameter (in inches)	Rate (in dollars per foot)
1	2.97
1.25 to 1.5	5.04
2 to 2.5	8.21
3	11.92
4 to 4.5	13.36
5 to 5½	14.68
6 to less than 8	17.49
8	24.91

TABLE 16
PLASTIC FIELD GATHERING PIPE LINES AND PLASTIC GAS DISTRIBUTION PIPE LINES

Outside Diameter (in inches)	Rate (in dollars per foot)
0.5	2.60
1	3.13
1.25 to 1.5	3.66
2 to 2.5	4.72
3	7.58
4 to 4.5	9.12
6 to less than 8	19.40
8	24.22

PIPE LINES OTHER THAN PIPE LINES TO WHICH TABLE 15 OR 16 APPLIES

Outside Diameter (in inches)	Rate (in dollars per foot)
0.75 to 1	7.74
1.25 to 1.5	9.17
2 to 2.5	10.81
3	15.48
4 to 4.5	18.02
5 to 5 ⁷ / ₈	20.56
6 to 6 ⁵ / ₈	23.21
8	29.94
10	35.40
12	45.42
14	55.54
16	72.87
18	87.07
20	96.56
22	114.42
24	135.24
26	151.78
28	178.12
30	189.03
32	220.09
34	242.40
36	262.17
38	284.90
40	305.94
42	334.24
44	367.41
46	400.85
48	419.46

TABLE 18
DEPRECIATION RATES — OFFSHORE PIPE LINES

Year of Installation of Pipe Line	Percentage Reduction
1972 or earlier	80
1973	79
1974	78
1975	76
1976	75
1977	73
1978	72
1979	71
1980	70
1981	68
1982	67
1983	66
1984	65
1985	63
1986	62
1987	61
1988	59
1989	57
1990	57
1991	56
1992	54
1993	52
1994	51
1995	49
1996	44

Year of Installation of Pipe Line	Percentage Reduction
1997	39
1998	33
1999	27
2000	21
2001	15
2002	10
2003	5
2004	0

TABLE 19
PIPE LINES OTHER THAN PIPE LINES TO WHICH TABLE 18 APPLIES

Year of Installation of Pipe Line	Percentage Reduction
1935 or earlier	80
1936	79
1937	78
1938	78
1939	78
1940	76
1941	76
1942	75
1943	75
1944	74
1945	73
1946	73
1947	73
1948	71
1949	71
1950	70
1951	69
1952	69
1953	68
1954	68
1955	67
1956	66
1957	65
1958	65
1959	64
1960	64
1961	63
1962	62
1963	61
1964	61
1965	60
1966	60
1967	59
1968	58
1969	57
1970	57
1971	56
1972	56
1973	55
1974	55
1975	54
1976	53
1977	52
1978	52
1979	51

1981	49
1982	47
1983	44
1984	42
1985	40
1986	37
1987	35
1988	32
1989	30
1990	27
1991	24
1992	22
1993	20
1994	18
1995	16
1996	14
1997	12
1998	10
1999	8
2000	8
2001	7
2002	4
2003	2
2004	0

Made by:

GREGORY SORBARA
Minister of Finance

Date made: November 19, 2003.

49/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

made under the
EDUCATION ACT

Made: November 27, 2003
Approved: December 2, 2003
Filed: December 2, 2003

Amending O. Reg. 138/03
(Calculation of Fees for Pupils for the 2003-2004 School Board Fiscal Year)

Note: Ontario Regulation 138/03 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Sub-subparagraph 3 ii A of subsection 3 (3) of Ontario Regulation 138/03 is amended by striking out “\$2,834” and substituting “\$3,140”.

Made by:

GERARD KENNEDY
Minister of Education

Date made: November 27, 2003.

RÈGLEMENT DE L'ONTARIO 402/03

pris en application de la
LOI SUR L'ÉDUCATION

pris le 27 novembre 2003
approuvé le 2 décembre 2003
déposé le 2 décembre 2003

modifiant le Règl. de l'Ont. 138/03
(Calcul des droits exigibles à l'égard des élèves pour l'exercice 2003-2004 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 138/03 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. La sous-sous-disposition 3 ii A du paragraphe 3 (3) du Règlement de l'Ontario 138/03 est modifiée par substitution de «3 140 \$» à «2 834 \$».

Pris par :

GERARD KENNEDY
Ministre de l'Éducation

Pris le : 27 novembre 2003.

51/03

ONTARIO REGULATION 403/03

made under the

EDUCATION ACT

Made: December 2, 2003

Filed: December 2, 2003

Amending O. Reg. 139/03

(Student Focused Funding — Legislative Grants for the 2003-2004 School Board Fiscal Year)

Note: Ontario Regulation 139/03 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsection 25 (1) of Ontario Regulation 139/03 is amended by striking out “\$2,834” in the portion before clause (a) and substituting “\$3,140”.

2. Subsection 28 (7) of the Regulation is amended by striking out “\$2,834” in the portion before clause (a) and substituting “\$3,140”.

3. (1) Paragraph 2 of subsection 34 (2) of the Regulation is amended by striking out “\$730” and substituting “\$736”.

(2) Paragraph 2 of subsection 34 (3) of the Regulation is amended by striking out “\$730” and substituting “\$736”.

4. Table 4 of the Regulation is revoked and the following substituted:

TABLE/TABLEAU 4

LEARNING OPPORTUNITIES/PROGRAMMES D'AIDE À L'APPRENTISSAGE

Item/ Point	Column/Colonne 1 Name of Board/Nom du conseil	Column/Colonne 2 Demographic Component Amount/ Montant de l'élément démographique \$	Column/Colonne 3 Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
1.	District School Board Ontario North East	1,750,213	0.0043
2.	Algoma District School Board	2,912,579	0.0097
3.	Rainbow District School Board	2,281,094	0.0084
4.	Near North District School Board	2,332,056	0.0071
5.	Keewatin-Patricia District School Board	987,877	0.0028
6.	Rainy River District School Board	794,219	0.0026
7.	Lakehead District School Board	2,296,433	0.0065
8.	Superior-Greenstone District School Board	608,607	0.0012
9.	Bluewater District School Board	1,245,455	0.0045
10.	Avon Maitland District School Board	1,160,475	0.0030
11.	Greater Essex County District School Board	5,484,652	0.0151
12.	Lambton Kent District School Board	1,643,783	0.0077
13.	Thames Valley District School Board	8,898,973	0.0246
14.	Toronto District School Board	103,060,495	0.3807
15.	Durham District School Board	2,892,219	0.0087
16.	Kawartha Pine Ridge District School Board	2,093,034	0.0093
17.	Trillium Lakelands District School Board	657,997	0.0045
18.	York Region District School Board	7,418,633	0.0182
19.	Simcoe County District School Board	1,641,398	0.0084
20.	Upper Grand District School Board	1,341,823	0.0030
21.	Peel District School Board	13,445,354	0.0333
22.	Halton District School Board	764,341	0.0008
23.	Hamilton-Wentworth District School Board	10,867,949	0.0419
24.	District School Board of Niagara	4,375,924	0.0143
25.	Grand Erie District School Board	3,023,240	0.0097
26.	Waterloo Region District School Board	5,514,385	0.0138
27.	Ottawa-Carleton District School Board	11,807,091	0.0413
28.	Upper Canada District School Board	1,671,014	0.0065
29.	Limestone District School Board	2,139,369	0.0068

Item/ Point	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
30.	Renfrew County District School Board	824,483	0.0032
31.	Hastings and Prince Edward District School Board	2,196,552	0.0120
32.	Northeastern Catholic District School Board	604,935	0.0013
33.	Nipissing-Parry Sound Catholic District School Board	572,572	0.0020
34.	Huron-Superior Catholic District School Board	1,440,170	0.0041
35.	Sudbury Catholic District School Board	1,175,646	0.0039
36.	Northwest Catholic District School Board	141,333	0.0005
37.	Kenora Catholic District School Board	136,470	0.0005
38.	Thunder Bay Catholic District School Board	1,132,639	0.0033
39.	Superior North Catholic District School Board	195,274	0.0004
40.	Bruce-Grey Catholic District School Board	199,090	0.0007
41.	Huron Perth Catholic District School Board	164,878	0.0004
42.	Windsor-Essex Catholic District School Board	3,774,481	0.0089
43.	English-language Separate District School Board No. 38	3,872,457	0.0035
44.	St. Clair Catholic District School Board	696,938	0.0022
45.	Toronto Catholic District School Board	40,491,957	0.1261
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	666,381	0.0018
47.	York Catholic District School Board	3,726,208	0.0093
48.	Dufferin-Peel Catholic District School Board	9,939,504	0.0204
49.	Simcoe Muskoka Catholic District School Board	501,571	0.0027
50.	Durham Catholic District School Board	939,463	0.0010
51.	Halton Catholic District School Board	410,220	0.0008
52.	Hamilton-Wentworth Catholic District School Board	4,716,481	0.0134
53.	Wellington Catholic District School Board	396,325	0.0008
54.	Waterloo Catholic District School Board	2,257,757	0.0041
55.	Niagara Catholic District School Board	1,972,189	0.0049
56.	Brant Haldimand Norfolk Catholic District School Board	959,669	0.0028
57.	Catholic District School Board of Eastern Ontario	931,693	0.0025
58.	Ottawa-Carleton Catholic District School Board	5,457,105	0.0177
59.	Renfrew County Catholic District School Board	749,584	0.0024
60.	Algonquin and Lakeshore Catholic District School Board	1,258,603	0.0028
61.	Conseil scolaire de district du Nord-Est de l'Ontario	326,340	0.0010
62.	Conseil scolaire de district du Grand Nord de l'Ontario	254,663	0.0010
63.	Conseil scolaire de district du Centre Sud-Ouest	1,124,633	0.0038
64.	Conseil de district des écoles publiques de langue française n° 59	1,310,788	0.0059
65.	Conseil scolaire de district catholique des Grandes Rivières	1,942,854	0.0054
66.	Conseil scolaire de district catholique Franco-Nord	788,669	0.0020
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1,639,796	0.0042
68.	Conseil scolaire de district catholique des Aurores boréales	231,704	0.0003
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	507,284	0.0012
70.	Conseil scolaire de district catholique Centre-Sud	1,437,628	0.0036
71.	Conseil scolaire de district catholique de l'Est ontarien	1,521,854	0.0040
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	2,268,256	0.0089

RÈGLEMENT DE L'ONTARIO 403/03

pris en application de la

LOI SUR L'ÉDUCATION

pris le 2 décembre 2003
déposé le 2 décembre 2003

modifiant le Règl. de l'Ont. 139/03

(Financement axé sur les besoins des élèves — subventions générales pour l'exercice 2003-2004 des conseils scolaires)

Remarque : Le Règlement de l'Ontario 139/03 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 25 (1) du Règlement de l'Ontario 139/03 est modifié par substitution de «3 140 \$» à «2 834 \$» dans le passage qui précède l'alinéa a).

2. Le paragraphe 28 (7) du Règlement est modifié par substitution de «3 140 \$» à «2 834 \$» dans le passage qui précède l'alinéa a).

3. (1) La disposition 2 du paragraphe 34 (2) du Règlement est modifiée par substitution de «736 \$» à «730 \$».

(2) La disposition 2 du paragraphe 34 (3) du Règlement est modifiée par substitution de «736 \$» à «730 \$».

4. Le tableau 4 du Règlement est abrogé et remplacé par ce qui suit :

TABLE/TABLEAU 4

LEARNING OPPORTUNITIES/PROGRAMMES D'AIDE À L'APPRENTISSAGE

Item/ Point	Column/Colonne 1 Name of Board/Nom du conseil	Column/Colonne 2 Demographic Component Amount/ Montant de l'élément démographique \$	Column/Colonne 3 Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
1.	District School Board Ontario North East	1,750,213	0.0043
2.	Algoma District School Board	2,912,579	0.0097
3.	Rainbow District School Board	2,281,094	0.0084
4.	Near North District School Board	2,332,056	0.0071
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13.	Thames Valley District School Board	8,898,973	0.0246
14.	Toronto District School Board	103,060,495	0.3807
15.	Durham District School Board	2,892,219	0.0087
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18.	York Region District School Board	7,418,633	0.0182
19.	Simcoe County District School Board	1,641,398	0.0084
20.	Upper Grand District School Board	1,341,823	0.0030
21.	Peel District School Board	13,445,354	0.0333
22.	Halton District School Board	764,341	0.0008
23.	Hamilton-Wentworth District School Board	10,867,949	0.0419
24.	District School Board of Niagara	4,375,924	0.0143
25.	Grand Erie District School Board	3,023,240	0.0097
26.	Waterloo Region District School Board	5,514,385	0.0138
27.	Ottawa-Carleton District School Board	11,807,091	0.0413
28.	Upper Canada District School Board	1,671,014	0.0065
29.	Limestone District School Board	2,139,369	0.0068
30.	Renfrew County District School Board	824,483	0.0032

Item/ Point	Name of Board/Nom du conseil	Demographic Component Amount/ Montant de l'élément démographique \$	Students At-Risk Demographic Factor/ Facteur démographique lié aux élèves à risque
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32.	Northeastern Catholic District School Board	604,935	0.0013
33.	Nipissing-Parry Sound Catholic District School Board	572,572	0.0020
34.	Huron-Superior Catholic District School Board	1,440,170	0.0041
35.	Sudbury Catholic District School Board	1,175,646	0.0039
36.	Northwest Catholic District School Board	141,333	0.0005
37.	Kenora Catholic District School Board	136,470	0.0005
38.	Thunder Bay Catholic District School Board	1,132,639	0.0033
39.	Superior North Catholic District School Board	195,274	0.0004
40.	Bruce-Grey Catholic District School Board	199,090	0.0007
41.	Huron Perth Catholic District School Board	164,878	0.0004
42.	Windsor-Essex Catholic District School Board	3,774,481	0.0089
43.	English-language Separate District School Board No. 38	3,872,457	0.0035
44.	St. Clair Catholic District School Board	696,938	0.0022
45.	Toronto Catholic District School Board	40,491,957	0.1261
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	666,381	0.0018
47.	York Catholic District School Board	3,726,208	0.0093
48.	Dufferin-Peel Catholic District School Board	9,939,504	0.0204
49.	Simcoe Muskoka Catholic District School Board	501,571	0.0027
50.	Durham Catholic District School Board	939,463	0.0010
51.	Halton Catholic District School Board	410,220	0.0008
52.	Hamilton-Wentworth Catholic District School Board	4,716,481	0.0134
53.	Wellington Catholic District School Board	396,325	0.0008
54.	Waterloo Catholic District School Board	2,257,757	0.0041
55.	Niagara Catholic District School Board	1,972,189	0.0049
56.	Brant Haldimand Norfolk Catholic District School Board	959,669	0.0028
57.	Catholic District School Board of Eastern Ontario	931,693	0.0025
58.	Ottawa-Carleton Catholic District School Board	5,457,105	0.0177
59.	Renfrew County Catholic District School Board	749,584	0.0024
60.	Algonquin and Lakeshore Catholic District School Board	1,258,603	0.0028
61.	Conseil scolaire de district du Nord-Est de l'Ontario	326,340	0.0010
62.	Conseil scolaire de district du Grand Nord de l'Ontario	254,663	0.0010
63.	Conseil scolaire de district du Centre Sud-Ouest	1,124,633	0.0038
64.	Conseil de district des écoles publiques de langue française n° 59	1,310,788	0.0059
65.	Conseil scolaire de district catholique des Grandes Rivières	1,942,854	0.0054
66.	Conseil scolaire de district catholique Franco-Nord	788,669	0.0020
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1,639,796	0.0042
68.	Conseil scolaire de district catholique des Aurores boréales	231,704	0.0003
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	507,284	0.0012
70.	Conseil scolaire de district catholique Centre-Sud	1,437,628	0.0036
71.	Conseil scolaire de district catholique de l'Est ontarien	1,521,854	0.0040
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	2,268,256	0.0089

ONTARIO REGULATION 404/03
made under the
MUNICIPAL ELECTIONS ACT, 1996

Made: December 2, 2003
Filed: December 4, 2003

Amending O. Reg. 4/00
(Transitional Matters Affecting a Regular Election and Arising out of Restructuring)

Note: Ontario Regulation 4/00 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. The definition of “restructuring order” in subsection 2 (1) of Ontario Regulation 4/00 is revoked and the following substituted:

“restructuring order” means a Minister’s order made under subsection 173 (4) of the *Municipal Act, 2001* or a predecessor of that subsection or a commission order made under subsection 175 (1) of that Act or a predecessor of that subsection. (“arrêté ou ordonnance de restructuration”)

2. Paragraph 1 of subsection 6 (3) of the Regulation is amended by striking out “subsection 25.2 (1) of the *Municipal Act*” at the end and substituting “section 172 of the *Municipal Act, 2001*”.

3. (1) The French version of the Regulation is amended by striking out “ordre” and substituting “ordonnance” in the following provisions:

1. The definitions of “ancien poste” and “nouveau poste” in subsection 2 (1).
2. Clause 3 (1) (a).
3. Subsection 4 (3).
4. Paragraphs 1 and 2 of subsection 6 (3).
5. Clause 8 (5) (a).

(2) The French version of the Regulation is amended by striking out “ordre” and substituting “d’une ordonnance” in the following provisions:

1. Clauses (a) and (b) of the definition of “date clé” in subsection 2 (1).
2. Subsection 8 (1).

(3) The French version of subsection 2 (2) of the Regulation is amended by striking out “ordre” and substituting “une ordonnance”.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

pris en application de la
LOI DE 1996 SUR LES ÉLECTIONS MUNICIPALES

pris le 2 décembre 2003
 déposé le 4 décembre 2003

modifiant le Règl. de l'Ont. 4/00
 (Questions transitoires touchant les élections ordinaires et découlant de la restructuration)

Remarque : Le Règlement de l'Ontario 4/00 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. La définition de «arrêté ou ordre de restructuration» au paragraphe 2 (1) du Règlement de l'Ontario 4/00 est abrogée et remplacée par ce qui suit :

«arrêté ou ordonnance de restructuration» Arrêté du ministre pris en vertu du paragraphe 173 (4) de la *Loi de 2001 sur les municipalités* ou d'une disposition qu'il remplace ou ordonnance d'une commission prise en vertu du paragraphe 175 (1) de cette loi ou d'une disposition qu'il remplace. («restructuring order»)

2. La disposition 1 du paragraphe 6 (3) du Règlement est modifiée par substitution de «à l'article 172 de la Loi de 2001 sur les municipalités» à «au paragraphe 25.2 (1) de la Loi sur les municipalités» à la fin de la disposition.

3. (1) La version française du Règlement est modifiée par substitution de «ordonnance» à «ordre» dans les dispositions suivantes :

1. Les définitions de «ancien poste» et de «nouveau poste» au paragraphe 2 (1).

2. L'alinéa 3 (1) a).

3. Le paragraphe 4 (3).

4. Les dispositions 1 et 2 du paragraphe 6 (3).

5. L'alinéa 8 (5) a).

(2) La version française du Règlement est modifiée par substitution de «d'une ordonnance» à «ordre» dans les dispositions suivantes :

1. Les alinéas a) et b) de la définition de «date clé» au paragraphe 2 (1).

2. Le paragraphe 8 (1).

(3) La version française du paragraphe 2 (2) du Règlement est modifiée par substitution de «une ordonnance» à «ordre».

Pris par :

JOHN PHILIP GERRETSEN
 Ministre des Affaires municipales

Pris le : 2 décembre 2003.

ONTARIO REGULATION 405/03
made under the
MUNICIPAL ELECTIONS ACT, 1996

Made: December 2, 2003
Filed: December 4, 2003

REVOKING VARIOUS REGULATIONS

1. The following regulations are revoked:

- 1. Ontario Regulation 172/97.**
- 2. Ontario Regulations 6/00, 185/00, 408/00 and 450/00.**
- 3. Ontario Regulation 449/00.**

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

RÈGLEMENT DE L'ONTARIO 405/03
pris en application de la
LOI DE 1996 SUR LES ÉLECTIONS MUNICIPALES

pris le 2 décembre 2003
déposé le 4 décembre 2003

ABROGEANT DIVERS RÈGLEMENTS

1. Les règlements suivants sont abrogés :

- 1. Le Règlement de l'Ontario 172/97.**
- 2. Les Règlements de l'Ontario 6/00, 185/00, 408/00 et 450/00.**
- 3. Le Règlement de l'Ontario 449/00.**

Pris par :

JOHN PHILIP GERRETSEN
Ministre des Affaires municipales

Pris le : 2 décembre 2003.

51/03

made under the
LINE FENCES ACT

Made: December 2, 2003
 Filed: December 4, 2003

Amending Reg. 715 of R.R.O. 1990
 (Forms)

Note: Regulation 715 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Forms 11 and 15 of Regulation 715 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

FORM 11
 TREASURER'S NOTICE OF AMOUNT OWED TO MUNICIPALITY BY DEFAULTING OWNER —
 (SUBSECTION 12 (8) OF THE ACT)

Line Fences Act

Take Notice that the amount of \$ has been paid out of the general funds of
 to on the day of
 (name of Municipality) (name of owner who received payment from the treasurer)
20....., in respect of an amount owing by you to
 (name of owner who received payment from the treasurer)
 pursuant to a certificate of default dated the day of, 20.....

That amount together with interest thereon at% accruing from the
 (date of payment by treasurer mentioned above)
 is now due and payable by you to the said municipality.

The amount has been placed on the tax roll and may be collected together with interest thereon in the same manner as taxes and until paid is a charge upon your land.

TO: *Defaulting Owner*

.....
 Municipal Treasurer

Line Fences Act

3. The fence shall be of the following description (*state the kind of fence, height, material etc.*)

.....
.....

4. The work shall be commenced not later than the day of20....., and shall be completed not later than the day of20.....

Dated the day of 20.....

Signatures of Parties

* (Name of Municipality or Local Board mentioned above)

per

.....]

.....

.....
(Signature of Witness)

(Signature of other Party)

* Affix corporate seal if body has a corporate seal

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

RÈGLEMENT DE L'ONTARIO 406/03
pris en application de la
LOI SUR LES CLÔTURES DE BORNAGE

pris le 2 décembre 2003
déposé le 4 décembre 2003

modifiant le Règl. 715 des R.R.O. de 1990
(Formules)

Remarque : Le Règlement 715 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Les formules 11 et 15 du Règlement 715 des Règlements refondus de l'Ontario de 1990 sont abrogées et remplacées par ce qui suit :

FORMULE 11
AVIS DU TRÉSORIER DU MONTANT DÛ À LA MUNICIPALITÉ PAR LE PROPRIÉTAIRE EN DÉFAUT —
(PARAGRAPHE 12 (8) DE LA LOI)

Loi sur les clôtures de bornage

Soyez avisé que le montant de\$ a été prélevé sur les fonds d'administration générale de
..... à
(nom de la municipalité) (nom du propriétaire à qui le trésorier a versé le paiement)
le20....., en rapport avec un montant que vous devez à
(nom du propriétaire à qui le trésorier a versé le paiement)
en vertu d'un certificat de défaut daté du20.....

Le montant ainsi que les intérêts accrus sur celui-ci au taux de%, à partir du
(date du paiement par le trésorier)
....., sont maintenant dus et payables par vous à ladite municipalité.
indiquée ci-dessus)

Le montant a été inscrit au rôle d'imposition et peut être recouvré, ainsi que les intérêts accrus, de la même façon que des impôts et, jusqu' à ce qu'il soit payé, il grève votre bien-fonds.

À: *Propriétaire en défaut*

.....
Trésorier municipal

21 1

Loi sur les clôtures de bornage

(nom de la municipalité ou du conseil local)

propriétaire
(description suffisante des biens-fonds pour enregistrement au bureau
d'enregistrement immobilier compétent)

et je soussigné(e).....
(nom du propriétaire du bien-fonds contigu)

propriétaire.....
(description suffisante des biens-fonds pour enregistrement au bureau
d'enregistrement immobilier compétent)

convenons :

Veuillez cocher la case appropriée

1. ☐ De construire, entretenir et maintenir en place une clôture pour marquer la limite entre les biens-fonds contigus décrits ci-dessus.

On

☐ De (insérez "réparer" ou "reconstruire", le cas échéant), entretenir et maintenir en place la clôture marquant la limite entre les biens-fonds contigus décrits ci-dessus.

Remplir a) ou b),
selon le cas

2. a)
(nom de la municipalité ou du conseil local)

sera responsable de la partie de la clôture commençant

 (description du point)

et se terminant
(description du point)

et.....
(nom du propriétaire du bien-fonds contigu)

pour la partie de la clôture commençant
(description du point)

et se terminant (description du point)

ou

b) sera responsable de tous
(nom du propriétaire responsable de toute la clôture)

les travaux en rapport avec la clôture susmentionnée et% du coût de ces travaux lui seront versés par sur avis de ce coût donné conformément à la *Loi sur les clôtures de bornage*.

3. La clôture répondra à la description suivante (*indiquez le type de clôture, la hauteur, les matériaux utilisés, etc.*):

.....
.....

4. Les travaux devront commencer au plus tard le 20 pour se terminer au plus tard le20.....

Fait le 20.....

Signatures des parties

* (nom de la municipalité ou du conseil local susmentionné)

par

.....

.....

.....
(Signature du témoin)

.....
(Signature de l'autre partie)

* Apposez le sceau de la municipalité ou du conseil local, le cas échéant

Pris par :

JOHN PHILIP GERRETSEN
Ministre des Affaires municipales

Pris le : 2 décembre 2003.

51/03

ONTARIO REGULATION 407/03

made under the

MUNICIPAL ACT, 2001

Made: December 2, 2003

Filed: December 4, 2003

Amending O. Reg. 214/96

(Dissolution of and Changes to Local Boards)

Note: Ontario Regulation 214/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Section 8 of Ontario Regulation 214/96 is amended by striking out the portion before the paragraphs and substituting the following:

8. A municipality does not have the power under section 216 of the Act to dissolve or make any changes described in section 5 to the following local boards:

.

(2) Section 8 of the Regulation is amended by adding the following subsection:

representatives on the board of health of the Sudbury and District Health Unit subject to the following rules:

1. There shall be a minimum of two and a maximum of seven members appointed.
2. At least one of the members shall also be a member of the council of the City.
3. At least one of the members shall not be a member of the council of the City.

2. Ontario Regulation 462/01 is revoked.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

RÈGLEMENT DE L'ONTARIO 407/03

pris en application de la

LOI DE 2001 SUR LES MUNICIPALITÉS

pris le 2 décembre 2003
déposé le 4 décembre 2003

modifiant le Règl. de l'Ont. 214/96
(Dissolution et modification des conseils locaux)

Remarque : Le Règlement de l'Ontario 214/96 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. (1) L'article 8 du Règlement de l'Ontario 214/96 est modifié par substitution de ce qui suit au passage qui précède les dispositions :

8. L'article 216 de la Loi ne confère pas à une municipalité le pouvoir de dissoudre les conseils locaux suivants ou de leur apporter les modifications visées à l'article 5 :

(2) L'article 8 du Règlement est modifié par adjonction du paragraphe suivant :

(2) Malgré le paragraphe (1), la ville du Grand Sudbury peut changer le nombre de membres qu'elle nomme représentants au sein du conseil de santé de la circonscription sanitaire de la cité et du district de Sudbury, sous réserve des règles suivantes :

1. De deux à sept membres doivent être nommés.
2. Au moins un des membres doit aussi être membre du conseil municipal.
3. Au moins un des membres ne doit pas être membre du conseil municipal.

2. Le Règlement de l'Ontario 462/01 est abrogé.

Pris par :

JOHN PHILIP GERRETSEN
Ministre des Affaires municipales

Pris le : 2 décembre 2003.

ONTARIO REGULATION 408/03
made under the
MUNICIPAL EXTRA-TERRITORIAL TAX ACT

Made: December 2, 2003
Filed: December 4, 2003

Amending O. Reg. 474/98
(Commercial Assessment Definition)

Note: Ontario Regulation 474/98 has not previously been amended.

1. Section 1 of Ontario Regulation 474/98 is amended by striking out “subsection 363 (20) of the *Municipal Act*” and substituting “subsection 308 (1) of the *Municipal Act, 2001*”.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 409/03
made under the
MUNICIPAL ELECTIONS ACT, 1996

Made: December 2, 2003
Filed: December 4, 2003

REVOKING VARIOUS REGULATIONS

- 1. The following regulations are revoked:**
- 1. Ontario Regulations 338/97 and 402/97.**
 - 2. Ontario Regulation 355/97.**
 - 3. Ontario Regulation 423/97.**
 - 4. Ontario Regulations 429/00 and 560/00.**

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

made under the
MUNICIPAL ELECTIONS ACT, 1996

Made: December 2, 2003
Filed: December 4, 2003

Amending O. Reg. 425/00
(Provincial Interest)

Note: Ontario Regulation 425/00 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

- 1. Subsections 1 (3), (4) and (5) of Ontario Regulation 425/00 are revoked.**

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 411/03

made under the
TOWN OF NORFOLK ACT, 1999

Made: December 2, 2003
Filed: December 4, 2003

Amending O. Reg. 537/00
(General)

Note: Ontario Regulation 537/00 has not previously been amended.

- 1. Sections 1 and 2 of Ontario Regulation 537/00 are revoked.**
- 2. Section 3 of the Regulation is amended by striking out “257.2 (5) of the *Municipal Act*” and substituting “150 (13) of the *Municipal Act, 2001*”.**
- 3. Ontario Regulation 537/00 is revoked on January 1, 2006.**

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 412/03

made under the

MUNICIPAL ACT, 2001

Made: December 2, 2003

Filed: December 4, 2003

DEEMED MUNICIPALITIES

1. The Sault Ste. Marie North Planning Board is a municipality for the purposes of section 302 of the Act.
2. Ontario Regulations 205/98 and 70/01 are revoked.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 413/03

made under the

MUNICIPAL ACT, 2001

Made: December 2, 2003

Filed: December 4, 2003

PROTECTION OF EMPLOYEES — REGIONAL MUNICIPALITIES

Offer of employment

1. (1) A regional municipality or its local boards shall offer to employ every person who was employed by a participating lower-tier municipality or its local boards on the date that a by-law passed under subsection 150 (1) of the *Regional Municipalities Act*, as that subsection read on December 31, 2002, comes into force and was continuously employed for a period of not less than six months immediately before that date and who during that period was primarily engaged in providing the waste management function that the regional municipality has assumed under the by-law.

(2) A person who accepts employment under subsection (1),

(a) is guaranteed employment with the regional municipality or local board for the one-year period next following the commencement of employment with the regional municipality or local board; and

(b) shall be credited with the same seniority that he or she had with the participating lower-tier municipality or local board on the date the by-law comes into force.

(3) During the one-year period mentioned in clause (2) (a), the person shall receive a wage or salary not less than the person was receiving on the date the by-law comes into force.

Deemed election

2. (1) The regional municipality or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day before the by-law comes into force in respect of a person employed under subsection 1 (1) if the employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his or her employment with the regional municipality or local board.

(2) An employee to whom subsection (1) applies,

Employees Retirement System; and

(b) shall be deemed not to have resigned from his or her previous employment.

(3) The regional municipality or local board shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Sick leave credit plan

3. (1) On the day a person is employed under subsection 1 (1), the regional municipality or local board shall be deemed to have established a sick leave credit plan for the person and shall transfer to the plan the sick leave credits standing to the credit of the person in the plan of the participating lower-tier municipality or local board on the date the by-law came into force.

(2) Subsection (1) does not apply so as to require the regional municipality or its local boards to establish a sick leave credit plan other than to recognize the sick leave credits being transferred under that subsection.

Vacation pay

4. The regional municipality or local board shall, during the first year of employment of a person employed under subsection 1 (1), provide for vacation with pay equivalent to those to which the employee would have been entitled if he or she had remained in the employment of the participating lower-tier municipality or local board.

Termination, etc.

5. Nothing in this Regulation prevents an employer from terminating the employment of an employee or reducing or eliminating the salary or wage rate, seniority or benefits of an employee for just cause.

Revocation

6. The following are revoked:

1. Ontario Regulation 949/93, originally made under the *Regional Municipalities Act*.
2. Ontario Regulation 950/93, originally made under the *District Municipality of Muskoka Act*.
3. Ontario Regulation 951/93, originally made under the *County of Oxford Act*.

Revocation

7. This Regulation is revoked on January 1, 2006.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 414/03

made under the

MUNICIPAL ACT, 2001

Made: December 2, 2003

Filed: December 4, 2003

TRANSITION MATTERS — CITY OF LONDON

City of London — urban services

1. Despite the repeal of the *London-Middlesex Act, 1992* and the revocation of Ontario Regulation 931/93, that regulation, as it read on December 31, 2002 shall be deemed to be a by-law of the City of London and the deemed by-law,

- (a) includes any amendments to the regulation made by the City of London under subsection 45 (5) of the *London-Middlesex Act, 1992* before its repeal; and
- (b) may not, unless the approval of the Ontario Municipal Board is first obtained, be further amended or repealed by the City of London.

City of London — property tax phase-in

2. Despite the revocation of Ontario Regulation 291/94, that regulation continues to apply to the City of London until January 1, 2004.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 415/03

made under the

MUNICIPAL ACT, 2001

Made: December 2, 2003

Filed: December 4, 2003

REVOKING VARIOUS REGULATIONS

1. The following regulations, originally made under the *County of Simcoe Act, 1993*, are revoked under clause 453 (1) (c) of the *Municipal Act, 2001*:

1. Ontario Regulation 953/93.
2. Ontario Regulation 414/94.
3. Ontario Regulations 273/91 and 98/00.

2. (1) The following regulations, originally made under the *London-Middlesex Act, 1992*, are revoked under clause 453 (1) (c) of the *Municipal Act, 2001*:

1. Ontario Regulation 799/92.
2. Ontario Regulation 59/93.
3. Ontario Regulation 931/93.
4. Ontario Regulation 948/93.

(2) Ontario Regulation 512/93, originally made under the *London-Middlesex Act, 1992*, is revoked under section 474.8 and clause 453 (1) (c) of the *Municipal Act, 2001*.

(3) Ontario Regulations 291/94, 346/94, 818/94 and 360/96, originally made under the *London-Middlesex Act, 1992*, are revoked under section 474.8 and clause 453 (1) (c) of the *Municipal Act, 2001*.

3. Ontario Regulation 409/00, originally made under the *Regional Municipality of Waterloo Act*, is revoked under clause 453 (1) (c) of the *Municipal Act, 2001*.

4. Ontario Regulation 347/94, originally made under the *Sarnia-Lambton Act, 1989*, is revoked under clause 453 (1) (c) of the *Municipal Act, 2001*.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 416/03

made under the

MUNICIPAL ACT, 2001

Made: December 2, 2003
Filed: December 4, 2003

Amending O. Reg. 462/94
(Town of Midland, Township of Tiny Boundary — Related Matters)

Note: Ontario Regulation 462/94 has not previously been amended.

1. The definition of “annexed area” in section 1 of Ontario Regulation 462/94 is amended by striking out “Act” and substituting “*County of Simcoe Act, 1993*, as that section read on December 31, 2002”.

2. Subsection 2 (2) of the Regulation is amended by striking out “Act” and substituting “*County of Simcoe Act, 1993*, as that section read on December 31, 2002”.

3. Subsection 4 (1) of the Regulation is amended by adding “as that Act read before its repeal and the *Development Charges Act, 1997*” after “*Development Charges Act*”.

4. Clause 6 (2) (b) of the Regulation is amended by striking out “Act” and substituting “*County of Simcoe Act, 1993*, as that section read on December 31, 2002”.

5. Ontario Regulation 462/94 is revoked on January 1, 2004.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 417/03

made under the

MUNICIPAL ACT, 2001

Made: December 2, 2003

Filed: December 4, 2003

Amending O. Reg. 946/93

(City of London, Township of North Dorchester Boundary)

Note: Ontario Regulation 946/93 has not previously been amended.

1. Section 8 of Ontario Regulation 946/93 is amended by striking out "Act" and substituting "*London-Middlesex Act, 1992*", as that section read on December 31, 2002".

2. Ontario Regulation 946/93 is revoked on January 1, 2004.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

51/03

ONTARIO REGULATION 418/03

made under the

TERRITORIAL DIVISION ACT, 2002

Made: December 2, 2003

Filed: December 4, 2003

Amending O. Reg. 180/03

(Division of Ontario into Geographic Areas)

Note: Ontario Regulation 180/03 has not previously been amended.

1. Schedule 1 to Ontario Regulation 180/03 is amended by striking out "Frontenac Management Board" in clause (a) under Column 2 opposite the geographic area of Frontenac under Column 1 and substituting "Frontenac".

2. (1) Schedule 2 to the Regulation is amended by adding "except for the part of the geographic township of Butt and the part of the geographic township of McCraney that form part of the Town of Kearney and are described in Schedule C to *The District of Parry Sound Local Government Act, 1979*, being chapter 61 of the Statutes of Ontario, 1979, as amended" at the end of clause (b) under Column 2 opposite the geographic area of Nipissing under Column 1.

(2) Schedule 2 to the Regulation is amended by adding the following clause under Column 2 opposite the geographic area of Parry Sound under Column 1:

(c) The part of the geographic township of Butt and the part of the geographic township of McCraney that form part of the Town of Kearney and are described in Schedule C to *The District of Parry Sound Local Government Act, 1979*, being chapter 61 of the Statutes of Ontario, 1979, as amended.

clause (a) under Column 2 opposite the geographic area of Timiskaming under Column 1.

(2) Schedule 2 to the Regulation is amended by adding "Temiskaming Shores" in clause (a) under Column 2 opposite the geographic area of Timiskaming under Column 1.

4. (1) Subject to subsection (2), this Regulation comes into force on the date it is filed.

(2) Section 3 comes into force on January 1, 2004.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 2, 2003.

RÈGLEMENT DE L'ONTARIO 418/03
pris en application de la
LOI DE 2002 SUR LA DIVISION TERRITORIALE

pris le 2 décembre 2003
déposé le 4 décembre 2003

modifiant le Règl. de l'Ont. 180/03
(Division de l'Ontario en zones géographiques)

Remarque : Le Règlement de l'Ontario 180/03 n'a pas été modifié antérieurement.

1. L'annexe 1 du Règlement de l'Ontario 180/03 est modifiée par substitution de «de Frontenac» à «du conseil de gestion de Frontenac» à l'alinéa a) dans la colonne 2, en regard de la zone géographique de Frontenac dans la colonne 1.

2. (1) L'annexe 2 du Règlement est modifiée par adjonction de «, sauf la partie du canton géographique de Butt et la partie du canton géographique de McCraney comprises dans la ville de Kearney et décrites à l'annexe C de la loi intitulée *The District of Parry Sound Local Government Act, 1979*, qui constitue le chapitre 61 des Lois de l'Ontario de 1979, dans ses versions successives» à la fin de l'alinéa b) dans la colonne 2, en regard de la zone géographique de Nipissing dans la colonne 1.

(2) L'annexe 2 du Règlement est modifiée par insertion de l'alinéa suivant dans la colonne 2, en regard de la zone géographique de Parry Sound dans la colonne 1 :

c) la partie du canton géographique de Butt et la partie du canton géographique de McCraney comprises dans la ville de Kearney et décrites à l'annexe C de la loi intitulée *The District of Parry Sound Local Government Act, 1979*, qui constitue le chapitre 61 des Lois de l'Ontario de 1979, dans ses versions successives.

3. (1) L'annexe 2 du Règlement est modifiée par suppression de «Dymond», de «Haileybury» et de «New Liskeard» à l'alinéa a) dans la colonne 2, en regard de la zone géographique de Timiskaming dans la colonne 1.

(2) L'annexe 2 du Règlement est modifiée par adjonction de «Temiskaming Shores» à l'alinéa a) dans la colonne 2, en regard de la zone géographique de Timiskaming dans la colonne 1.

4. (1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le jour de son dépôt.

(2) L'article 3 entre en vigueur le 1^{er} janvier 2004.

Pris par :

JOHN PHILIP GERRETSEN
Ministre des Affaires municipales

Pris le : 2 décembre 2003.

51/03

ONTARIO REGULATION 419/03

made under the

COURTS OF JUSTICE ACT

Made: November 4, 2003
Approved: December 3, 2003
Filed: December 5, 2003

Amending Reg. 194 of R.R.O. 1990
(Rules of Civil Procedure)

Note: Regulation 194 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subrule 69.05.1 (11) of Regulation 194 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

Revocation

(11) This rule is revoked on December 31, 2007.

2. Subrule 70.03.1 (4) of the Regulation is revoked and the following substituted:

Revocation

(4) This rule is revoked on December 31, 2007.

RÈGLEMENT DE L'ONTARIO 419/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 4 novembre 2003
approuvé le 3 décembre 2003
déposé le 5 décembre 2003
imprimé dans la *Gazette de l'Ontario* le 20 décembre 2003

modifiant le Règl. 194 des R.R.O. de 1990
(Règles de procédure civile)

Remarque : Le Règlement 194 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 69.05.1 (11) du Règlement 194 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

(11) La présente règle est abrogée le 31 décembre 2007.

2. Le paragraphe 70.03.1 (4) du Règlement est abrogé et remplacé par ce qui suit :

Abrogation

(4) La présente règle est abrogée le 31 décembre 2007.

51/03

ONTARIO REGULATION 420/03

made under the

COURTS OF JUSTICE ACT

Made: November 4, 2003
Approved: December 3, 2003
Filed: December 5, 2003

Amending O. Reg. 655/00

(Family Case Management Rules for the Superior Court of Justice in Toronto)

Note: Ontario Regulation 655/00 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subrule 6.03 (1) of Ontario Regulation 655/00 is amended by striking out “December 31, 2003” and substituting “July 1, 2005”.

RÈGLEMENT DE L'ONTARIO 420/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 4 novembre 2003
approuvé le 3 décembre 2003
déposé le 5 décembre 2003

modifiant le Règl. de l'Ont. 655/00

(Règles de gestion des causes en droit de la famille pour la Cour supérieure de justice à Toronto)

Remarque : Le Règlement de l'Ontario 655/00 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 6.03 (1) du Règlement de l'Ontario 655/00 est modifié par substitution de «1^{er} juillet 2005» à «31 décembre 2003».

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ONTARIO REGULATION 421/03

made under the

COURTS OF JUSTICE ACT

Made: November 4, 2003
Approved: December 3, 2003
Filed: December 5, 2003

Amending O. Reg. 334/02
(Essex Family Case Management Rules)

Note: Ontario Regulation 334/02 has not previously been amended.

1. Rule 11 of Ontario Regulation 334/02 is revoked and the following substituted:

REVOCATION

11. This Regulation is revoked on July 1, 2005.

RÈGLEMENT DE L'ONTARIO 421/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 4 novembre 2003
approuvé le 3 décembre 2003
déposé le 5 décembre 2003

modifiant le Règl. de l'Ont. 334/02
(Règles de gestion des causes en droit de la famille d'Essex)

Remarque : Le Règlement de l'Ontario 334/02 n'a pas été modifié antérieurement.

1. La règle 11 du Règlement de l'Ontario 334/02 est abrogée et remplacée par ce qui suit :

ABROGATION

11. Le présent règlement est abrogé le 1^{er} juillet 2005.

51/03

ONTARIO REGULATION 422/03

made under the

DISTRICT SOCIAL SERVICES ADMINISTRATION BOARDS ACT

Made: December 3, 2003
Filed: December 5, 2003

Amending O. Reg. 278/98
(General)

Note: Ontario Regulation 278/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Section 1 of Schedule 2.1 to Ontario Regulation 278/98 is amended by striking out "The Corporation of the Township of Sioux Narrows Nestor Falls" at the end and substituting "The Corporation of the Township of Sioux Narrows-Nestor Falls".

Nestor Falls".

paragraph 1 and substituting "12 members".

(2) Paragraph 1 of section 2 of Schedule 3 to the Regulation is amended by striking out “five members” and substituting “six members”.

(3) Paragraphs 3, 4 and 5 of section 2 of Schedule 3 to the Regulation are revoked and the following substituted:

3. Area 3 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 3:

- i. The Corporation of the Township of Bonfield.
- ii. The Corporation of the Township of Calvin.
- iii. The Corporation of the Township of Chisholm.
- iv. The Corporation of the Town of Mattawa.
- v. The Corporation of the Township of Mattawan.
- vi. The Corporation of the Township of Papineau-Cameron.

4. Area 4 is the area of jurisdiction of The Corporation of Township of South Algonquin and one member shall be appointed by its municipal council to represent Area 4.

5. Area 5 is the area of jurisdiction of The Corporation of the Municipality of Temagami and one member shall be appointed by its municipal council to represent Area 5.

6. Area 6 is the area of jurisdiction of The Corporation of the Township of East Ferris and one member shall be appointed by its municipal council to represent Area 6.

7. Area 7 is the territory without municipal organization within the district for the District of Nipissing Social Services Administration Board and one member shall be selected by the residents of that territory to represent Area 7.

3. Section 1 of Schedule 5 to the Regulation is amended by striking out “The Corporation of the Township of Sioux Narrows Nestor Falls” at the end and substituting “The Corporation of the Township of Sioux Narrows-Nestor Falls”.

4. This Regulation comes into force on January 1, 2004.

51/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—12—27

ONTARIO REGULATION 423/03

made under the

HIGHWAY TRAFFIC ACT

Made: December 3, 2003

Filed: December 8, 2003

Amending Reg. 628 of R.R.O. 1990
(Vehicle Permits)

Note: Regulation 628 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Clauses 2 (1) (b), (b.1) and (c) of Regulation 628 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

(b) if the application is in respect of a motor vehicle with a registered gross weight of 4,500 kilograms or less, that the Ministry is satisfied that an emissions inspection report has been issued in respect of the vehicle within the preceding 12 months; and

(c) if the application is in respect of a motor vehicle with a registered gross weight of more than 4,500 kilograms, that the Ministry is satisfied that an emissions inspection report has been issued in respect of the vehicle within the preceding 12 months.

(2) Clause 2 (2.1) (b) of the Regulation is revoked and the following substituted:

(b) an emissions inspection report would be required under section 8.1 or 8.2.

(3) Subsection 2 (5) of the Regulation is revoked and the following substituted:

(5) Clause (1) (b) only applies in respect of an application if the applicant's address, as shown on the plate portion of the permit, is within the Greater Toronto Area, the urban and commuter areas or the expanded program area.

(4) Subsection 2 (5.2) of the Regulation is revoked and the following substituted:

(5.2) Clause (1) (c) only applies in respect of an application respecting a motor vehicle that uses fuel other than diesel fuel if the applicant's address, as shown on the plate portion of the permit, is within the Greater Toronto Area, the urban and commuter areas or the expanded program area.

(5) Tables 1 and 2 to section 2 of the Regulation are revoked.

2. Sections 8.1 and 8.2 of the Regulation are revoked and the following substituted:

8.1 (1) This section applies to applications for the renewal of a motor vehicle permit for motor vehicles,

(a) that use an internal combustion engine as their source of power; and

(b) that have a registered gross weight of 4,500 kilograms or less.

(2) This section does not apply in respect of,

(a) a kit car;

(b) a motorcycle or a motor assisted bicycle; or

(c) a vehicle to which paragraph 2 of subsection 19 (1) applies.

(3) Despite anything in this Regulation, no motor vehicle permit shall be renewed or evidence of validation furnished in respect of a motor vehicle to which this section applies unless the Ministry is satisfied that an emissions inspection report or a conditional emissions inspection report has been issued in respect of the vehicle within 12 months before the permit expires or, if the application for renewal is made after the expiry of the permit, within 12 months before the application for renewal.

(4) Subsection (3) applies in respect of a motor vehicle in the third calendar year after its model year and in every second calendar year after that up to and including the nineteenth year after its model year.

(5) Subsection (3) only applies to an application for renewal if the applicant's address, as shown on the plate portion of the permit, is within the Greater Toronto Area, the urban and commuter areas or the expanded program area.

(6) The emissions inspection report or conditional emissions inspection report required under this section shall be based on the emissions tests that are applicable to the vehicle in respect of which the application for renewal is made, as set out in Ontario Regulation 361/98 made under the *Environmental Protection Act*.

(7) No permit shall be validated for a period that ends more than 36 months after the date on which the emissions inspection report or conditional emissions inspection report required under this section was issued.

(8) Despite anything in this section, a permit may be renewed or validated without the required emissions inspection report or conditional emissions inspection report if the Ministry is satisfied that it was not reasonably possible for the permit holder to have the vehicle tested for emissions.

(9) Subsection (8) may be applied only one time in respect of a permit holder for a vehicle.

8.2 (1) This section applies to applications for the renewal of a motor vehicle permit for motor vehicles,

(a) that use an internal combustion engine as their source of power; and

(b) that have a registered gross weight of more than 4,500 kilograms.

(2) Despite anything in this Regulation, no motor vehicle permit shall be renewed or evidence of validation furnished in respect of a motor vehicle described in subsection (1) unless the Ministry is satisfied that an emissions inspection report has been issued in respect of the vehicle within 12 months before the permit expires or, if the application for renewal is made after the expiry of the permit, within 12 months before the application for renewal.

(3) Subsection (2) applies in respect of a motor vehicle in the third calendar year after its model year and in every calendar year after that, but only once in any 12-month period.

(4) Subsection (2) does not apply to an application for renewal that is made in, or in respect of a permit that expires in, an eligible year in respect of a vehicle that uses diesel fuel if the Ministry is satisfied that the last emissions inspection report for the vehicle,

(a) was issued within 24 months before the permit expires or, if the application for renewal is made after the expiry of the permit, within 24 months before the application for renewal; and

(b) indicates that the vehicle achieved opacity of 20 per cent or less in the opacity test required for that emissions inspection report.

(5) Subsection (2) only applies to an application for renewal in respect of a vehicle that uses fuel other than diesel fuel if the applicant's address, as shown on the plate portion of the permit, is within the Greater Toronto Area, the urban and commuter areas or the expanded program area.

(6) The emissions inspection reports required under this section shall be based on the emissions tests that are applicable to the vehicle in respect of which the application for renewal is made, as set out in Ontario Regulation 361/98 made under the *Environmental Protection Act*.

(7) Despite anything in this section, a permit may be renewed or validated without the required emissions inspection report if the Ministry is satisfied that it was not reasonably possible for the permit holder to have the vehicle tested for emissions.

(8) For the purposes of subsection (4),

"eligible year" means,

(a) for a vehicle with an odd-numbered model year, 2005 and every second calendar year after that,

(b) for a vehicle with an even-numbered model year, 2006 and every second calendar year after that.

made under the

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Made: December 3, 2003

Filed: December 8, 2003

Amending Reg. 460 of R.R.O. 1990
(General)

Note: Regulation 460 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. The Schedule to Regulation 460 of the Revised Regulations of Ontario, 1990 is amended by adding the following items:

Item	Column 1	Column 2
	Institution	Head
55.1	Hydro One Inc.	Chief Executive Officer of the corporation
55.2	Each subsidiary (as defined in subsection 2 (1) of the <i>Electricity Act, 1998</i>) of Hydro One Inc.	Chief Executive Officer of the subsidiary
114.1	Ontario Power Generation Inc.	Chief Executive Officer of the corporation
114.2	Each subsidiary (as defined in subsection 2 (1) of the <i>Electricity Act, 1998</i>) of Ontario Power Generation Inc.	Chief Executive Officer of the subsidiary

RÈGLEMENT DE L'ONTARIO 424/03

pris en application de la

LOI SUR L'ACCÈS À L'INFORMATION ET LA PROTECTION DE LA VIE PRIVÉE

pris le 3 décembre 2003
déposé le 8 décembre 2003

modifiant le Règl. 460 des R.R.O. de 1990
(Dispositions générales)

Remarque : Le Règlement 460 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. L'annexe du Règlement 460 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction des numéros suivants :

Numéro	Colonne 1	Colonne 2
	Institution	Personne responsable
55.1	Hydro One Inc.	Chef de la direction de la société
55.2	Chaque filiale (au sens du par. 2 (1) de la <i>Loi de 1998 sur l'électricité</i>) de Hydro One Inc.	Chef de la direction de la filiale
114.1	Ontario Power Generation Inc.	Chef de la direction de la société
114.2	Chaque filiale (au sens du par. 2 (1) de la <i>Loi de 1998 sur l'électricité</i>) de Ontario Power Generation Inc.	Chef de la direction de la filiale

ONTARIO REGULATION 425/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: December 3, 2003

Filed: December 8, 2003

ASSESSMENT OF BOARD EXPENSES AND EXPENDITURES FOR THE 2003-2004 FISCAL YEAR

Definitions and interpretation

1. (1) In this Regulation,

“assessment” means an assessment under subsection 26 (1) of the Act;

“distribute”, with respect to electricity, has the same meaning as in Part V of the Act;

“expenditures” means expenses incurred and expenditures made by the Board in the exercise of its powers and duties under the Act or any other Act;

“transmit”, with respect to electricity, has the same meaning as in Part V of the Act.

(2) For the purpose of this Regulation, the net Board expenditures for a period shall be determined in accordance with the following formula:

$$A = B - (C + D)$$

where,

A = the net Board expenditures for the period,

B = the total amount of expenditures made by the Board in the period, including expenditures made in respect of persons who are not liable to pay an assessment,

C = the total amount of fees paid to the Board under section 12.1 of the Act in the period, including fees paid by persons who are not liable to pay an assessment,

D = the total amount of costs paid to the Board under section 30 of the Act in the period, including costs paid by persons who are not liable to pay an assessment.

(3) Where this Regulation requires the Board’s management committee to apportion an amount among the classes of persons who are liable to pay an assessment, the management committee shall consider the following factors for each class:

1. The expenditures made by the Board in respect of that class, compared to the expenditures made by the Board in respect of the other classes.
2. The fees paid to the Board under section 12.1 of the Act by members of that class, compared to the fees paid to the Board under section 12.1 of the Act by members of the other classes.
3. The costs paid to the Board under section 30 of the Act by members of that class, compared to the costs paid to the Board under section 30 of the Act by members of the other classes.
4. Such other factors as the Board’s management committee considers relevant to the apportionment.

(4) For the purposes of subsection (3),

- (a) the expenditures made by the Board in respect of the class described in paragraph 2 of subsection 3 (1) shall be deemed to include expenditures made in respect of the Independent Electricity Market Operator;
- (b) the fees paid to the Board under section 12.1 of the Act by members of the class described in paragraph 2 of subsection 3 (1) shall be deemed to include fees paid by the Independent Electricity Market Operator; and
- (c) the costs paid to the Board under section 30 of the Act by members of the class described in paragraph 2 of subsection 3 (1) shall be deemed to include costs paid by the Independent Electricity Market Operator.

Frequency of assessments

2. The Board’s management committee shall make an assessment once in the period from April 1, 2003 to March 31, 2004.

3. (1) The following classes of persons are liable to pay an assessment for the period from April 1, 2003 to March 31, 2004:

1. Persons that, on September 30, 2003, were licensed to own or operate distribution systems within the meaning of Part V of the Act.
2. Persons that, on September 30, 2003, were licensed to own or operate transmission systems within the meaning of Part V of the Act.
3. Gas transmitters, gas distributors and storage companies that, on September 30, 2003, were subject to orders under section 36 of the Act.

(2) For the purposes of paragraph 2 of subsection (1), a licence to direct the operation of a transmission system is not a licence to operate the transmission system.

Interim apportionment among classes

4. (1) After September 30, 2003, the Board's management committee shall estimate the net Board expenditures for the period from April 1, 2003 to March 31, 2004.

(2) The amount of the estimate must be equal to the sum of the following amounts:

1. The actual net Board expenditures for the period from April 1, 2003 to September 30, 2003.
2. The amount that the Board's management committee forecasts as the net Board expenditures for the period from October 1, 2003 to March 31, 2004.

(3) The Board's management committee shall apportion the amount of the estimate among the classes of persons who are liable to pay an assessment.

Calculation of individual amounts: electricity distributors

5. Not later than December 15, 2003, the Board's management committee shall determine the amount of the assessment for the period from April 1, 2003 to March 31, 2004 for which each person who is a member of the class described in paragraph 1 of subsection 3 (1) is liable in accordance with the following formula:

$$E = (F \div G) \times H$$

where, subject to section 9,

E = the amount of the assessment for which the person is liable,

F = the annual revenue received by the person for the distributing of electricity in accordance with an order under section 78 of the Act, with the annual revenue determined for the 12 months ending on the last day of the person's fiscal year ending in 2002,

G = the total annual revenue received by all members of the class described in paragraph 1 of subsection 3 (1) for the distributing of electricity in accordance with orders under section 78 of the Act, with the annual revenue for each member determined for the 12 months ending on the last day of the member's fiscal year ending in 2002,

H = the amount apportioned under section 4 to the class described in paragraph 1 of subsection 3 (1), adjusted in accordance with section 8.

Calculation of individual amounts: electricity transmitters

6. Not later than December 15, 2003, the Board's management committee shall determine the amount of the assessment for the period from April 1, 2003 to March 31, 2004 for which each person who is a member of the class described in paragraph 2 of subsection 3 (1) is liable in accordance with the following formula:

$$J = (K \div L) \times M$$

where, subject to section 9,

J = the amount of the assessment for which the person is liable,

K = the annual revenue received by the person for the transmitting of electricity in accordance with an order under section 78 of the Act, with the annual revenue determined for the 12 months ending on the last day of the person's fiscal year ending in 2002,

L = the total annual revenue received by all members of the class described in paragraph 2 of subsection 3 (1) for the transmitting of electricity in accordance with orders under section 78 of the Act, with the annual revenue for each member determined for the 12 months ending on the last day of the member's fiscal year ending in 2002,

M = the amount apportioned under section 4 to the class described in paragraph 2 of subsection 3 (1), adjusted in accordance with section 8.

Calculation of individual amounts: gas transmitters, distributors and storage companies

7. (1) Not later than December 15, 2003, the Board's management committee shall determine the amount of the assessment for the period from April 1, 2003 to March 31, 2004 for which each person who is a member of the class described in paragraph 3 of subsection 3 (1) is liable in accordance with the following formula:

$$N = ((P \times (Q \div R)) + ((1 - P) \times (S \div T))) \times U$$

where, subject to section 9,

N = the amount of the assessment for which the person is liable,

P = a number between zero and 1, inclusive, selected by the Board's management committee in accordance with subsections (2) and (3),

Q = the number of meters used by the person to measure gas distributed in accordance with an order under section 36 of the Act, determined as of the last day of the person's fiscal year that ended in 2002,

R = the total number of meters used by all members of the class described in paragraph 3 of subsection 3 (1) to measure gas distributed in accordance with orders under section 36 of the Act, with the number of meters used by each member determined as of the last day of the member's fiscal year that ended in 2002,

S = the annual revenue received by the person for the transmission, distribution and storage of gas in accordance with an order under section 36 of the Act, with the annual revenue determined for the 12 months ending on the last day of the person's fiscal year ending in 2002,

T = the annual revenue received by all members of the class described in paragraph 3 of subsection 3 (1) for the transmission, distribution and storage of gas in accordance with orders under section 36 of the Act, with the annual revenue for each member determined for the 12 months ending on the last day of the member's fiscal year ending in 2002,

U = the amount apportioned under section 4 to the class described in paragraph 3 of subsection 3 (1), adjusted in accordance with section 8.

(2) For the purposes of the definition of "P" in subsection (1), the Board's management committee shall select a number between zero and 1, inclusive, that in the opinion of the management committee will result in an equitable apportionment of liability for the assessment among the members of the class described in paragraph 3 of subsection 3 (1).

(3) The number selected under subsection (2) shall be used for all members of the class described in paragraph 3 of subsection 3 (1).

Adjustment of amount apportioned

8. The amount apportioned under section 4 to a class described in subsection 3 (1) shall be adjusted by,

- (a) adding the amount, if any, by which the amount apportioned to the class under section 11 of Ontario Regulation 332/02 exceeds the amount apportioned to the class in 2002 under section 4 of Ontario Regulation 332/02; and
- (b) deducting the amount, if any, by which the amount apportioned to the class in 2002 under section 4 of Ontario Regulation 332/02 exceeds the amount apportioned to the class under section 11 of Ontario Regulation 332/02.

Calculations involving revenue or number of meters

9. (1) For the purposes of any calculation made under section 5, 6 or 7 that involves the revenue received or the number of meters used by a person, the Board's management committee may use a figure determined by the committee for the revenue or number of meters if,

- (a) the person did not exist in 2002 or did not have a fiscal year that ended in 2002; or
- (b) the revenue received or number of meters used by the person has significantly changed, as a result of an amalgamation, acquisition, sale or similar transaction that involved the person, since the beginning of the person's fiscal year that ended in 2002.

(2) The management committee shall determine the figure in a manner that, in the opinion of the management committee, will result in an equitable apportionment of liability for the assessment among the members of the classes described in subsection 3 (1).

Notice of assessment

10. (1) The Board's management committee shall cause notice to be given, not later than December 15, 2003, to every person who is a member of a class described in subsection 3 (1) of the amount of the assessment for the period from April 1, 2003 to March 31, 2004 for which the person is liable.

(3) Notice under subsection (1) is sufficiently given if,

- (a) it is delivered personally to the person;
- (b) it is sent by registered mail to the person at the latest postal address for the person that appears in the Board's records;
- (c) it is faxed to the person at the latest fax number for the person that appears in the Board's records; or
- (d) it is sent by electronic mail to the person at the latest electronic mail address for the person that appears in the Board's records.

Final calculations

11. (1) After March 31, 2004, the Board's management committee shall determine the actual net Board expenditures for the period from April 1, 2003 to March 31, 2004.

(2) The management committee shall apportion the amount of the actual net Board expenditures among the classes of persons who are liable to pay an assessment.

Provision of information

12. The Board's management committee may require any member of a class described in subsection 3 (1) to provide the management committee with information that it considers necessary for the purpose of administering this Regulation, within the time specified by the management committee and in the form or format it specifies.

Revocation

13. This Regulation is revoked on September 1, 2004.

52/03

ONTARIO REGULATION 426/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: December 3, 2003

Filed: December 8, 2003

Amending O. Reg. 665/98
(Hunting)

Note: Ontario Regulation 665/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsection 121 (1) of Ontario Regulation 665/98 is revoked and the following substituted:

(1) Except as provided in this Part, a person shall not hunt in the Special Hunting Areas described in the Schedules to Part 5 of Ontario Regulation 663/98 (Area Descriptions).

52/03

ONTARIO REGULATION 427/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: November 3, 2003

Filed: December 8, 2003

Amending O. Reg. 663/98
(Area Descriptions)

Note: Ontario Regulation 663/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Ontario Regulation 663/98 is amended by adding the following Part:

PART 5 SPECIAL HUNTING AREAS

5. The lands referred to or set out in the Schedules to this Part are the Special Hunting Areas prescribed for the purposes of Part XVI of Ontario Regulation 665/98.

SCHEDULE 1 AYLMER HUNTING AREA

The lands described in the Schedule to Ontario Regulation 29/81, as that schedule read on December 31, 1990.

SCHEDULE 2 AYLMER LAGOON HUNTING AREA

The lands described in the Schedule to Regulation 402 of the Revised Regulations of Ontario, 1980, as that schedule read on December 31, 1990.

SCHEDULE 3 BEAVER MEADOW HUNTING AREA

The lands described in the Schedule to Ontario Regulation 477/85, as that schedule read on December 31, 1990.

SCHEDULE 4 CALTON SWAMP HUNTING AREA

The lands described in the Schedule to Ontario Regulation 30/81, as that schedule read on December 31, 1990.

SCHEDULE 5 CAMDEN LAKE HUNTING AREA

The lands described in the Schedule to Regulation 407 of the Revised Regulations of Ontario, 1980, as that schedule read on December 31, 1990.

SCHEDULE 6 FINGAL HUNTING AREA

The lands described in the Schedule to Ontario Regulation 28/81, as that schedule read on December 31, 1990.

SCHEDULE 7 HULLETT HUNTING AREA

The lands described in Schedules 1 and 2 to Ontario Regulation 628/82, as those schedules read on December 31, 1990.

SCHEDULE 8 LAKE ST. LAWRENCE HUNTING AREA

The lands described in the Schedule to Regulation 423 of the Revised Regulations of Ontario, 1980, as that schedule read on December 31, 1990.

LAKOSE FOREST HUNTING AREA

The lands described in Schedules 1, 2 and 3 to Ontario Regulation 574/98, as those schedules read December 31, 1998.

SCHEDULE 10 LONG POINT NATIONAL WILDLIFE AREA

The lands described in Schedule 1 to Regulation 499 of the Revised Regulations of Ontario, 1990, as that schedule read on December 31, 1998.

SCHEDULE 11 NAVY ISLAND HUNTING AREA

The lands described in the Schedule to Regulation 508 of the Revised Regulations of Ontario, 1990, as that schedule read on December 31, 1998.

SCHEDULE 12 STAG ISLAND HUNTING AREA

All that parcel of land in the geographic Township of Moore, in the Municipal Township of St. Clair, in the County of Lambton and Province of Ontario, containing 1.544 hectares, more or less, being that part of Location CL10179, composed of that part of the bed of the St. Clair River lying south of Stag Island in the said geographic township, designated as Part 2 on a plan and field notes deposited in the Land Registry Office at Sarnia as Plan 25R-7752.

Made by:

DAVID JAMES RAMSAY
Minister of Natural Resources

Date made: November 3, 2003.

52/03

ONTARIO REGULATION 428/03

made under the

CROWN FOREST SUSTAINABILITY ACT, 1994

Made: December 3, 2003
Filed: December 8, 2003

Amending O. Reg. 167/95
(General)

Note: Ontario Regulation 167/95 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Ontario Regulation 167/95 is amended by adding the following sections immediately before the heading "Crown Trees Not in Crown Forests".

28.1 (1) Where the Minister is considering making amendments to the Forest Management Planning Manual and is of the opinion that any of the amendments under consideration would, if implemented, have a significant effect on the environment as determined in accordance with the factors set out in section 14 of the *Environmental Bill of Rights, 1993*, the Minister shall,

- (a) post notice of the amendments under consideration on the environmental registry in accordance with the *Environmental Bill of Rights, 1993* and otherwise fulfil the requirements of that Act; and
- (b) notify in writing the following persons of the proposed amendment-making process for the purpose of obtaining their comments:
 - 1. Persons who have indicated to the Ministry in writing that they are interested in providing comments on the next revision of the Forest Management Planning Manual.
 - 2. Persons to whom, in the Minister's opinion, an opportunity to provide comments should be given.
 - 3. The Director of the Environmental Assessment and Approvals Branch of the Ministry of the Environment.
- (2) The notice referred to in clause (1) (b) shall include,
 - (a) details about how to obtain further information about the amendment-making process;
 - (b) a statement that the notice will be or has been posted on the environmental registry under the *Environmental Bill of Rights, 1993* and, if the notice has been posted, the registry number for the posting; and
 - (c) the deadline for expressing an interest in participating in the amendment-making process and for providing comments on that process.
- (3) After comments have been received that arise out of the posting of a notice on the environmental registry under clause (1) (a) or a notice provided under clause (1) (b), the Minister may, if he or she intends to make changes to the process proposed in the notice, post an updated notice on the environmental registry, and provide a copy of it to the persons referred to in subsection (1).

28.2 Where the Minister is considering making amendments to the Forest Management Planning Manual and is of the opinion that the amendments under consideration, if implemented, would not have a significant effect on the environment as determined in accordance with the factors set out in section 14 of the *Environmental Bill of Rights, 1993*, the Minister may notify in writing the following persons of the amendment-making process for the purpose of obtaining comments:

- 1. Persons who have indicated to the Ministry in writing that they are interested in providing comments on the next revision of the Forest Management Planning Manual.
- 2. Persons to whom, in the Minister's opinion, an opportunity to provide comments should be given.

52/03

ONTARIO REGULATION 429/03

made under the

LAND REGISTRATION REFORM ACT

Made: October 29, 2003

Filed: December 9, 2003

Amending O. Reg. 16/99

(Automated System)

Note: Ontario Regulation 16/99 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

- 1. (1) The Table to subsection 3 (1) of Ontario Regulation 16/99 is amended by striking out the following item:**

Column 1	Column 2
Toronto (No. 66)	September 23, 2002

Column 1	Column 2
Toronto (No. 66)	December 9, 2003

Made by:

JIM WATSON
Minister of Consumer and Business Services

Date made: October 29, 2003.

52/03

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».



Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2003—01—03

ONTARIO REGULATION 430/03

made under the

VITAL STATISTICS ACT

Made: December 16, 2003

Filed: December 16, 2003

Amending O. Reg. 511/01

(Fees for Services Provided by the Registrar General)

Note: Ontario Regulation 511/01 has not previously been amended.

1. Section 8 of Ontario Regulation 511/01 is revoked and the following substituted:

Fee surcharge

8. The fee payable for a service provided by the Registrar General under the Act is increased by \$15 if,
- (a) the person who requests the service requests that it be provided by the end of the second business day following the day the request is made; and
 - (b) the service is provided to the person by the end of the second business day following the day the request is made.

Made by:

JIM WATSON
Registrar General and Minister of Consumer and Business Services

Date made: December 16, 2003.

1/04

ONTARIO REGULATION 431/03

made under the

PLANNING ACT

Made: December 16, 2003

Filed: December 16, 2003

ZONING AREA — TOWN OF RICHMOND HILL

Application

1. This Order applies to land in the Town of Richmond Hill in The Regional Municipality of York, being the land outlined with hatch marks as the Zoning Area on map number 214 identified by stamp of the Registrar of Regulations on November 28, 2003 and filed at the Toronto office of the Ministry of Municipal Affairs located at 777 Bay Street.

Use of land

2. (1) Every use of land and the erection, location and use of any building or structure is prohibited on the land described in section 1, except,

- (a) uses, buildings and structures lawfully in existence on the date this Order comes into force; and
 - (b) public utilities.
- (2) Additions to, or the extension or enlargement of any building or structure is prohibited.

Conditions

3. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 16, 2003.

1/04

ONTARIO REGULATION 432/03

made under the

PLANNING ACT

Made: December 16, 2003
Filed: December 16, 2003

ZONING AREA — GOLDEN HORSESHOE**Definition**

1. In this Order,

“urban settlement area” means land designated in an official plan as at the date of this Order as an urban area, urban policy area, town, village, hamlet, rural cluster, rural settlement area, urban or rural system, rural service centre or future urban use area.

Application

2. (1) This Order applies to land shown as shaded on a map numbered 215 and identified by stamp of the Registrar of Regulations on December 15, 2003 and filed at the Toronto office of the Ministry of Municipal Affairs located at 777 Bay Street.

(2) Despite subsection (1), this Order does not apply to the following land:

- 1. Niagara Escarpment Planning Area under the *Niagara Escarpment Planning and Development Act*.
- 2. Oak Ridges Moraine Area under the *Oak Ridges Moraine Conservation Act, 2001*.
- 3. Those lands within the City of Pickering in The Regional Municipality of Durham outlined in red on a map numbered 210 identified by stamp of the Registrar of Regulations Office on April 22, 2003 and filed at the Toronto office of the Ministry of Municipal Affairs located at 777 Bay Street.
- 4. Those lands within the City of Pickering and the Town of Markham shown as shaded on a map numbered 216 identified by stamp of the Registrar of Regulations on December 15, 2003 and filed at the Toronto office of the Ministry of Municipal Affairs located at 777 Bay Street.

5. City of Toronto.

Use of land

3. Every use of any land, building or structure on the land described in section 2 that is not located within an urban settlement area is prohibited, except,

- (a) the use of any land, building or structure lawfully in existence on the date this Order comes into force; and
- (b) the use of any land, building or structure that was permitted by the applicable zoning by-law on the date this Order comes into force.

Conditions

4. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner.

(3) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

(4) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this order comes into force.

Made by:

JOHN PHILIP GERRETSEN
Minister of Municipal Affairs

Date made: December 16, 2003.

1/04

ONTARIO REGULATION 433/03

made under the

FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: December 16, 2003

Filed: December 17, 2003

Amending O. Reg. 664/98

(Fish Licensing)

Note: Ontario Regulation 664/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Subsection 38 (1) of Ontario Regulation 664/98 is amended by striking out "After the last day of February in any year" and substituting "After March 1 in any year".

(2) Clause 38 (2) (h) of the Regulation is revoked and the following substituted:

(h) any waters in Division 10, 11 or 16;

(3) Subsection 38 (2) of the Regulation is amended by striking out "or" at the end of clause (i), by adding "or" at the end of clause (j) and by adding the following clause:

(k) Chesley Lake (44°33'N, 81°14'W) in the County of Bruce.

(4) Subsections 38 (3) and (4) of the Regulation are revoked.

(5) Subsection 38 (5) of the Regulation is amended by striking out "or" at the end of clause (d) and by adding the following clauses:

(f) the waters of Lake Nipissing in the territorial districts of Nipissing, Parry Sound and Sudbury; or

(g) the waters north of Highway 17 described in paragraph 17 of Schedule E.

2. (1) Paragraphs 9 and 10 of Schedule E to the Regulation are revoked and the following substituted:

10. Divisions 7, 8, 9, 10, 11, 12, 15, 16 and 29.

(2) Schedule E to the Regulation is amended by adding the following paragraphs:

17. The waters north of Highway 17 bounded by a line described as follows:

Commencing at the southeast corner of Ratter Township, thence due north to the northeast corner of Ratter Township; thence west along the Ratter Township northern boundary line to the southeast corner of Loughrin Township; thence in a north direction on the following Township eastern boundaries: Loughrin, Davis, Kelly, McCarthy, Sheppard, Clary and Seagram to the northeast boundary of Seagram Township; thence west following the northern boundary of Seagram Township and Turner Township to the southeast boundary of Selkirk Township; thence along the eastern boundary of Selkirk and Ellis Townships to the northeast boundary of Ellis Township; thence west along the north boundary of Ellis and McLeod Townships to the northwest boundary of McLeod Township; thence south along the western boundary of McLeod, Haentschel and Howey Townships to the southwest boundary of Howey Township; thence west along the north boundary of the following Townships: Beresford, Beaumont, Sweeny, Dunbar, Fairbairn, Muldrew, Athlone, Lafleche, Alton, Jasper, Durban and Ethel to the northwest corner of Comox Township; thence south to the southwest corner of Comox Township; thence east to the northwest corner of Assef Township; thence south to the southwest corner of Assef Township; thence in a south direction on the following Township western boundaries: Fontaine, Lefebvre, Plourde, Poncet, Lehman, Gaiashk, Deagle and Shedden to Highway 17.

18. The waters known as Chesley Lake situate at approximate latitude 44°33'N and longitude 81°14'W in the County of Bruce.

Made by:

DAVID JAMES RAMSAY
Minister of Natural Resources

Date made: December 16, 2003.

1/04

ONTARIO REGULATION 434/03

made under the

ONTARIO WATER RESOURCES ACT

Made: December 17, 2003

Filed: December 18, 2003

THE TAKING AND USE OF WATER

Prohibited uses

1. (1) No person shall use surface water or ground water taken from an area designated under section 7 for any of the following purposes, if the person would require a permit under subsection 34 (3) of the Act to take the water:

1. Beverage manufacturing, including the manufacturing or production of bottled water or water in other containers.
2. Fruit or vegetable canning or pickling.
3. Ready-mix concrete manufacturing.
4. Aggregate processing, if the aggregate and the water that is taken are incorporated into a product in the form of a slurry.
5. Product manufacturing or production, if, in the normal course of the manufacturing or production, more than a total of 50,000 litres of the water that is taken may be incorporated in a single day into the products being manufactured or produced.

(2) The purpose set out in paragraph 2 of subsection (1) shall not be considered to be a purpose under, or described in, this section, if the water that is taken is to be used only for washing in the course of the canning or pickling.

(3) Any purpose set out in subsection (1) shall not be considered to be a purpose under, or described in, this section, if the water that is taken is to be used for agricultural purposes, including aquaculture, nurseries, tree farms and sod farms.

Municipal exception

2. Section 1 does not apply to a municipality.

Existing permit exception

3. Section 1 does not apply to a person who has authority to take the water for a purpose described in section 1 pursuant to a permit relating to subsection 34 (3) of the Act that was issued before December 18, 2003.

Renewals exception

4. Section 1 does not apply to a person who has authority to take the water for a purpose described in section 1 pursuant to a permit relating to subsection 34 (3) of the Act that is issued on or after December 18, 2003 pursuant to an application described in section 5.

Issuance of permits

5. If a person, other than a municipality, applies on or after December 18, 2003, or has applied before December 18, 2003, for a permit relating to subsection 34 (3) of the Act to authorize the taking of water for a purpose described in section 1 from an area designated under section 7, the Director shall not consider the application or issue the permit unless,

- (a) at the time of the application, the applicant or another person held an unexpired permit relating to subsection 34 (3) of the Act that authorized the taking of water for a purpose described in section 1; and
- (b) the application is for a new permit to authorize the taking of the same amount of water from the same location and for the same purpose as was authorized by the permit referred to in clause (a).

Revocation and reissue of permits

6. (1) The Director shall,

- (a) revoke a permit relating to subsection 34 (3) of the Act that was issued before December 18, 2003 and that authorizes a person to take water for a purpose described in section 1 from an area designated under section 7, if the terms and conditions of the permit authorize the person to take an increased amount of water on or after December 18, 2003; and
- (b) issue a new permit authorizing the person to take only the amount of water that the person was authorized to take immediately before December 18, 2003.

(2) A permit issued under clause (1) (b) shall contain substantially the same terms and conditions as were contained in the permit revoked under clause (1) (a), with the exception of the terms and conditions relating to the authority to take an increased amount of water in the future.

(3) For greater certainty, this section applies to a permit even if it was the subject of an action by the Director under subsection 100 (3) of the Act or the subject of a decision by the Tribunal, the Minister or the Divisional Court under subsection 100 (8) of the Act.

(4) This section does not apply to a permit held by a municipality.

Designated areas

7. (1) The following areas are designated for the purpose of this Regulation:

1. Southern Ontario.

2. Any area in Northern Ontario over which a conservation authority has jurisdiction under the *Conservation Authorities Act*.

(2) For the purpose of subsection (1),

“Northern Ontario” means,

- (a) the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming,
- (b) the part of Lake Huron that is in Ontario and that lies north of a line that begins at the southernmost point of land on the shore of Georgian Bay in the Territorial District of Parry Sound and extends in a straight line to the southernmost point of land on Yeo Island in the Main Channel between Georgian Bay and the rest of Lake Huron and then extends due west to the border of the United States of America,
- (c) the part of Lake Superior that is in Ontario, and

(d) the part of Hudson Bay and James Bay that is in Ontario;

“Southern Ontario” means the part of Ontario that is not part of Northern Ontario.

Revocation of other regulations

8. Ontario Regulations 153/03 and 357/03 are revoked.

Revocation of this Regulation

9. This Regulation is revoked on December 31, 2004.

1/04

ONTARIO REGULATION 435/03

made under the

PLANNING ACT

Made: December 17, 2003

Filed: December 18, 2003

Amending O. Reg. 432/03

(Zoning Area — Golden Horseshoe)

Note: Ontario Regulation 432/03 has not previously been amended.

1. Paragraph 1 of subsection 2 (2) of Ontario Regulation 432/03 is revoked and the following substituted:

1. Land covered by the Niagara Escarpment Plan approved under the *Niagara Escarpment Planning and Development Act*.

Made by:

MICHAEL W. FENN
Deputy Minister
Ministry of Municipal Affairs

Date made: December 17, 2003.

1/04

ONTARIO REGULATION 436/03

made under the

GO TRANSIT ACT, 2001

Made: December 16, 2003

Filed: December 18, 2003

**AMENDMENT TO GREATER TORONTO SERVICES BOARD BY-LAW NO. 40 —
APPORTIONMENT OF GO TRANSIT'S CAPITAL COSTS AMONG THE PARTICIPATING
MUNICIPALITIES FOR THE PERIOD 2001-2004**

By-law's title amended

1. The title to the Greater Toronto Services Board By-law No. 40, that is deemed by subsection 32 (5) of the Act to have been made by GO Transit, is amended by striking out “for the period 2001-2003” at the end and substituting “for the period 2001-2004”.

By-law amended to apply to 2004

2. (1) Section 1 of the By-law is amended by striking out "for the three-year period of 2001 to 2003, inclusive" and substituting "for the four-year period of 2001 to 2004, inclusive".

(2) Section 1 of the By-law is amended by striking out "Hamilton-Wentworth" and substituting "Hamilton".

Made by:

HARINDER JEET SINGH TAKHAR
Minister of Transportation

Date made: December 16, 2003.

1/04

ONTARIO REGULATION 437/03

made under the

HIGHWAY TRAFFIC ACT

Made: December 17, 2003

Filed: December 18, 2003

Amending Reg. 628 of R.R.O. 1990
(Vehicle Permits)

Note: Regulation 628 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Section 17 of Regulation 628 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsections:

(3) No fee is payable under paragraph 6.1, 6.2, 9, 9.1, 9.2 or 9.4 of subsection (1) where the number plates referred to in that paragraph bear a veteran graphic and are issued to a person who is certified by the Royal Canadian Legion — Ontario Command to be a veteran.

(4) Despite paragraph 7.1 of subsection (1), the fee payable under that paragraph for a motor vehicle permit and number plates bearing a requested number and a veteran graphic issued to a person who is certified by the Royal Canadian Legion — Ontario Command to be a veteran is \$200.

(5) In subsections (3) and (4),

"veteran graphic" means a graphic honouring veterans that is made available by the Ministry.

1/04

ONTARIO REGULATION 438/03

made under the

PROVINCIAL OFFENCES ACT

Made: December 17, 2003

Filed: December 18, 2003

Amending Reg. 950 of R.R.O. 1990

(Proceedings Commenced by Certificate of Offence)

Note: Regulation 950 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Schedule 43 to Regulation 950 of the Revised Regulations of Ontario, 1990 is amended by adding the following item:

392.2	Fail to yield to bus re-entering lane from bus bay	subsection 142.1 (1)
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2. This Regulation comes into force on January 2, 2004.

RÈGLEMENT DE L'ONTARIO 438/03

pris en application de la

LOI SUR LES INFRACTIONS PROVINCIALES

pris le 17 décembre 2003

déposé le 18 décembre 2003

modifiant le Règl. 950 des R.R.O. de 1990

(Instances introduites au moyen du dépôt d'un procès-verbal d'infraction)

Remarque : Le Règlement 950 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. L'annexe 43 du Règlement 950 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction du numéro suivant :

392.2	Omettre de céder le passage à un autobus sortant d'une voie d'arrêt d'autobus	paragraphe 142.1 (1)
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2. Le présent règlement entre en vigueur le 2 janvier 2004.

1/04

ONTARIO REGULATION 439/03

made under the

CHRISTOPHER'S LAW (SEX OFFENDER REGISTRY), 2000

Made: December 17, 2003

Filed: December 19, 2003

Amending O. Reg. 69/01

(General)

Note: Ontario Regulation 69/01 has not previously been amended.

1. Section 6 of Ontario Regulation 69/01 is revoked and the following substituted:

Sharing information

6. (1) The ministry may enter into an agreement with the Ministry of the Attorney General or with the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada) to obtain any information in their possession or control for the purposes of adding the information to the sex offender registry.

(2) The ministry may enter into an agreement with the federal Department of Citizenship and Immigration, with the federal Department of National Defence or with the federal Department of the Solicitor General to obtain any information in their possession or control for the purposes of adding the information to the sex offender registry.

(3) The ministry may enter into an agreement with any department or agency of the government of Canada or of a province or territory having responsibility for correctional matters to obtain any information in its possession or control for the purposes of adding the information to the sex offender registry.

RÈGLEMENT DE L'ONTARIO 439/03

pris en application de la

LOI CHRISTOPHER DE 2000 SUR LE REGISTRE DES DÉLINQUANTS SEXUELS

pris le 17 décembre 2003
déposé le 19 décembre 2003

modifiant le Règl. de l'Ont. 69/01
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 69/01 n'a pas été modifié antérieurement.

1. L'article 6 du Règlement de l'Ontario 69/01 est abrogé et remplacé par ce qui suit :

Échange de renseignements

6. (1) Le ministère peut conclure, avec le ministère du Procureur général ou avec la commission d'examen constituée ou désignée pour l'Ontario en vertu du paragraphe 672.38 (1) du *Code criminel* (Canada), une entente en vue d'obtenir des renseignements qui sont en leur possession ou sous leur contrôle afin qu'ils soient versés au registre des délinquants sexuels.

(2) Le ministère peut conclure, avec le ministère de la Citoyenneté et de l'Immigration du Canada, avec le ministère de la Défense nationale du Canada ou avec le ministère du Solliciteur général du Canada, une entente en vue d'obtenir des renseignements qui sont en leur possession ou sous leur contrôle afin qu'ils soient versés au registre des délinquants sexuels.

(3) Le ministère peut conclure, avec tout ministère ou organisme du gouvernement du Canada ou d'une province ou d'un territoire responsable des questions correctionnelles, une entente en vue d'obtenir des renseignements qui sont en sa possession ou sous son contrôle afin qu'ils soient versés au registre des délinquants sexuels.

1/04

ONTARIO REGULATION 440/03

made under the

COURTS OF JUSTICE ACT

Made: October 1, 2003
Approved: December 17, 2003
Filed: December 19, 2003

Amending O. Reg. 258/98
(Rules of the Small Claims Court)

Note: Ontario Regulation 258/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Rule 1.06 of Ontario Regulation 258/98 is revoked and the following substituted:

Pilot Project, Toronto Small Claims Court — Use of Electronic Documents

1.06 (1) Where an action has been commenced in the Toronto Small Claims Court on or after December 10, 2001, a lawyer or another person may use electronic documents for issuing and filing in that action during the period that ends on January 1, 2006, if the lawyer or other person,

- (a) is named on the list established under subrule (2); and
- (b) has filed a requisition (Form 1B) with the clerk.

List

(2) The Attorney General shall establish a list of lawyers and other persons for the Toronto Small Claims Court, in accordance with the following rules:

- 1. Only a person who has demonstrated capacity and willingness to use information technology as defined in rule 1.02 may be named on the list.
- 2. The Attorney General may add persons to the list and remove persons from the list.
- 3. The Attorney General shall keep the list current and shall make copies available at the Toronto Small Claims Court.

Electronic Documents — Standards

(3) An electronic document in a proceeding shall meet the following standards:

- 1. The document shall contain the information and data prescribed in these rules, in a format substantially the same as prescribed in these rules.
- 2. The information and data contained in the document shall be accessible and usable for subsequent reference.
- 3. The document shall be capable of being printed as an accurate rendering or reproduction of the document produced or transmitted.
- 4. The document shall use information technology as defined in rule 1.02.

Electronic Forms Requiring Signature

(4) If a form that requires a signature is issued or produced by the court as an electronic document, the use of a unique identifier satisfies the signature requirement.

Electronic Documents — Original Written Versions

(5) An affidavit or a signed or certified document that is filed as an electronic document shall,

- (a) clearly identify the signatory; and
- (b) be accompanied by a statement of the person filing the electronic document, indicating that,
 - (i) the original written version of the document is signed by the person identified as signatory in the electronic document, and by a person authorized to administer oaths or affirmations, if applicable, and
 - (ii) any interlineations, erasures or other alterations in the original written version are initialled by the person or persons mentioned in subclause (i).

(6) A person who makes a statement under clause (5) (b),

- (a) shall keep the original written version of the document until the proceeding, including any appeals, is finally disposed of, or until the clerk requests that it be filed, whichever is earlier; and
- (b) shall file the original written version forthwith on the clerk's request.

(7) When any person files a requisition (Form 1C) to inspect the original written version of the document, the clerk shall make a request under clause (6) (b).

(8) If a person makes a false statement under clause (5) (b) or fails to comply with subrule (6) the court may,

- (a) in the case of a statement made by or on behalf of a plaintiff, dismiss the action;
- (b) in the case of a statement made by or on behalf of a defendant, strike out the defence or the defendant's claim; or
- (c) make such other order as is just.

Notice

(9) In a proceeding to which this rule applies, any notice required to be given shall be given in writing or electronically.

Copies

- (10) In a proceeding to which this rule applies, any requirement that more than one copy be filed is satisfied if,
- (a) the document has already been filed electronically; or
 - (b) a single version of the document is filed electronically.

Electronic Issuing

(11) In a proceeding to which this rule applies, a document may be issued electronically by using information technology as defined in rule 1.02.

Deemed Issuing

- (12) A document issued under subrule (11) shall be deemed to have been issued by the Small Claims Court.

Notice — Document Issued

- (13) After a document is issued electronically, notice that it was issued shall be sent to the party that had it issued.

Electronic Filing

(14) In a proceeding to which this rule applies, a document may be filed electronically by using information technology as defined in rule 1.02.

Notice — Document Filed

- (15) After a document is filed electronically, notice that it was filed shall be sent to the party that filed it.

Revocation

- (16) This rule (rule 1.06) is revoked on January 1, 2006.

2. Subrule 9.01 (1) of the Regulation is amended by striking out “subrule 1.06 (13)” and substituting “subrule 1.06 (10)”.

3. Subrules 10.01 (7) and (8) of the Regulation are revoked and the following substituted:

Electronic Documents

- (7) If the defendant’s claim is filed electronically under rule 1.06, subrules 1.06 (11), (12) and (13) apply.

Non-Application

- (8) Subrule (7) does not apply on and after January 1, 2006.

4. Subrule 10.03 (1) of the Regulation is amended by striking out “subrule 1.06 (13)” and substituting “subrule 1.06 (10)”.

5. The Regulation is amended by striking out “January 1, 2004” in the following provisions and substituting in each case “January 1, 2006”:

- 1. Subrule 1.02 (2).**
 - 2. Subrule 5.04 (1.1.1).**
 - 3. Subrules 8.01 (4.1.1) and (12).**
 - 4. Subrules 8.06 (1.1) and (4).**
 - 5. Subrule 8.09 (5).**
 - 6. Subrule 9.01 (3).**
 - 7. Subrules 9.03 (4.3) and (6.1).**
 - 8. Subrule 10.03 (3).**
 - 9. Subrule 16.01 (1.3).**
 - 10. Subrule 20.09 (11.3).**
 - 11. Subrule 20.10 (10.1).**
 - 12. Forms 1B, 1C and 8C.**
- 6. This Regulation comes into force on December 31, 2003.**

RÈGLEMENT DE L'ONTARIO 440/03

pris en application de la

LOI SUR LES TRIBUNAUX JUDICIAIRESpris le 1^{er} octobre 2003
approuvé le 17 décembre 2003
déposé le 19 décembre 2003modifiant le Règl. de l'Ont. 258/98
(Règles de la Cour des petites créances)

Remarque : Le Règlement de l'Ontario 258/98 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. La règle 1.06 du Règlement de l'Ontario 258/98 est abrogée et remplacée par ce qui suit :***Projet pilote, Cour des petites créances de Toronto — utilisation de documents électroniques***

1.06 (1) Si une action a été introduite à la Cour des petites créances de Toronto le 10 décembre 2001 ou après cette date, un avocat ou une autre personne peut utiliser des documents électroniques aux fins de délivrance et de dépôt dans l'action durant la période qui se termine le 1^{er} janvier 2006 si :

- a) d'une part, le nom de l'avocat ou de l'autre personne figure sur la liste dressée en application du paragraphe (2);
- b) d'autre part, l'avocat ou l'autre personne a déposé une réquisition (formule 1B) auprès du greffier.

Liste

(2) Le procureur général dresse une liste d'avocats et d'autres personnes pour la Cour des petites créances de Toronto, conformément aux règles suivantes :

1. Seuls les noms des personnes qui ont démontré leur capacité à utiliser les technologies de l'information au sens de la règle 1.02 et leur volonté de le faire peuvent figurer sur la liste.
2. Le procureur général peut ajouter des noms à la liste et en enlever.
3. Le procureur général tient la liste à jour et en met à disposition des copies à la Cour des petites créances de Toronto.

Documents électroniques — normes

(3) Le document de procédure électronique respecte les normes suivantes :

1. Le document contient les renseignements et les données que prescrivent les présentes règles, disposés essentiellement de la même façon que celle que prescrivent les présentes règles.
2. Les renseignements et les données que contient le document sont accessibles et utilisables pour consultation ultérieure.
3. Le document peut être imprimé de façon à donner une restitution ou une reproduction fidèle du document produit ou transmis.
4. Le document utilise les technologies de l'information au sens de la règle 1.02.

Formules électroniques nécessitant une signature

(4) Si une formule qui nécessite une signature est délivrée ou produite par le tribunal sous forme de document électronique, l'utilisation d'un identificateur unique satisfait à l'exigence relative à la signature.

Documents électroniques — versions écrites originales

(5) L'affidavit ou le document signé ou certifié qui est déposé sous forme de document électronique :

- a) d'une part, identifie clairement le signataire;
- b) d'autre part, est accompagné d'une déclaration de la personne qui dépose le document électronique, portant ce qui suit :
 - (i) la version écrite originale du document est signée par la personne identifiée comme signataire dans le document électronique et par une personne autorisée à faire prêter serment ou à recevoir une affirmation solennelle, s'il y a lieu,
 - (ii) les interlignes, ratures, effacements ou autres modifications dans la version écrite originale sont paraphés par la ou les personnes visées au sous-alinéa (i).

(6) La personne qui fait une déclaration visée à l'alinéa (5) b) :

- a) d'une part, conserve la version écrite originale du document jusqu'à ce que l'instance, y compris les appels, soit décidée de façon définitive ou jusqu'à ce que le greffier demande qu'elle soit déposée, selon celle de ces éventualités qui se produit en premier;
- b) d'autre part, dépose sans délai la version écrite originale sur demande du greffier.

(7) Lorsqu'une personne dépose une réquisition (formule 1C) en vue d'examiner la version écrite originale du document, le greffier présente la demande visée à l'alinéa (6) b).

(8) Si une personne fait une déclaration en application de l'alinéa (5) b) qui est fausse ou ne se conforme pas au paragraphe (6), le tribunal peut :

- a) rejeter l'action, dans le cas d'une déclaration faite par un demandeur ou pour son compte;
- b) radier la défense ou la demande du défendeur, dans le cas d'une déclaration faite par un défendeur ou pour son compte;
- c) rendre une autre ordonnance juste.

Avis

(9) Dans une instance à laquelle s'applique la présente règle, les avis qui doivent être donnés le sont par écrit ou par voie électronique.

Copies

(10) Dans une instance à laquelle s'applique la présente règle, il est satisfait à toute exigence portant que plus d'une copie soit déposée si, selon le cas :

- a) le document a déjà été déposé par voie électronique;
- b) une version unique du document est déposée par voie électronique.

Délivrance électronique

(11) Dans une instance à laquelle s'applique la présente règle, un document peut être délivré par voie électronique au moyen des technologies de l'information au sens de la règle 1.02.

Délivrance réputée faite par la Cour

(12) Un document délivré en application du paragraphe (11) est réputé l'avoir été par la Cour des petites créances.

Avis de document délivré

(13) À la suite de la délivrance électronique d'un document, un avis de sa délivrance est envoyé à la partie qui l'a fait délivrer.

Dépôt électronique

(14) Dans une instance à laquelle s'applique la présente règle, un document peut être déposé par voie électronique au moyen des technologies de l'information au sens de la règle 1.02.

Avis de document déposé

(15) À la suite du dépôt électronique d'un document, un avis de son dépôt est envoyé à la partie qui l'a déposé.

Abrogation

(16) La présente règle (règle 1.06) est abrogée le 1^{er} janvier 2006.

2. Le paragraphe 9.01 (1) du Règlement est modifié par substitution de «paragraphe 1.06 (10)» à «paragraphe 1.06 (13)».

3. Les paragraphes 10.01 (7) et (8) du Règlement sont abrogés et remplacés par ce qui suit :

Documents électroniques

(7) Si la demande du défendeur est déposée par voie électronique en vertu de la règle 1.06, les paragraphes 1.06 (11), (12) et (13) s'appliquent.

Non-application

(8) Le paragraphe (7) ne s'applique pas à partir du 1^{er} janvier 2006.

4. Le paragraphe 10.03 (1) du Règlement est modifié par substitution de «paragraphe 1.06 (10)» à «paragraphe 1.06 (13)».

5. Le Règlement est modifié par substitution de «1^{er} janvier 2006» à «1^{er} janvier 2004» dans les dispositions suivantes :

1. Le paragraphe 1.02 (2).
 2. Le paragraphe 5.04 (1.1.1).
 3. Les paragraphes 8.01 (4.1.1) et (12).
 4. Les paragraphes 8.06 (1.1) et (4).
 5. Le paragraphe 8.09 (5).
 6. Le paragraphe 9.01 (3).
 7. Les paragraphes 9.03 (4.3) et (6.1).
 8. Le paragraphe 10.03 (3).
 9. Le paragraphe 16.01 (1.3).
 10. Le paragraphe 20.09 (11.3).
 11. Le paragraphe 20.10 (10.1).
 12. Les formules 1B, 1C et 8C.
6. Le présent règlement entre en vigueur le 31 décembre 2003.

1/04

ONTARIO REGULATION 441/03

made under the

HEALTH INSURANCE ACT

Made: December 17, 2003

Filed: December 19, 2003

Amending Reg. 552 of R.R.O. 1990

(General)

Note: Regulation 552 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Section 38.0.0.1 of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(7) A physician who renders insured services to insured persons pursuant to an alternative funding plan arrangement entered into with the Minister (an "AFP physician") may direct that payment for the insured services he or she renders be made to one of the following or to both of the following as provided for in the direction:

1. The group of AFP physicians that ordinarily renders insured services to insured persons under the same alternative funding plan arrangement as the physician making the direction, or to one or more members of that group.
2. The governance organization responsible for ensuring provision of insured services by AFP physicians under the alternative funding plan arrangement entered into with the Minister.

2. This Regulation shall be deemed to have come into force on September 1, 2003.

1/04

ONTARIO REGULATION 442/03

made under the

HEALTH INSURANCE ACT

Made: December 17, 2003

Filed: December 19, 2003

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Regulation 552 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Section 16 of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsections:

(5.1) The amount that would otherwise be payable by the Plan for an insured service is increased by,

(a) 1 per cent if the service was rendered on or after April 1, 2002, but before April 1, 2003; and

(b) 3 per cent if the service was rendered on or after April 1, 2003, but before January 1, 2004.

(5.2) Each dental surgeon who provided insured services during the period that commenced on April 1, 2002 and ended on March 31, 2003 is entitled to a payment calculated using the formula,

$$P = (A/B) \times \$300,000$$

in which,

“P” = the amount of the payment,

“A” = the total amount otherwise paid by the Plan to the dental surgeon for insured services rendered on or after April 1, 2002 but before April 1, 2003, and

“B” = the total amount paid by the Plan for all dental services rendered on or after April 1, 2002 but before April 1, 2003.

(2) Section 16 of the Regulation is amended by adding the following subsection:

(5.3) Each dental surgeon who provided insured services during the period that commenced on April 1, 2003 and ended on December 31, 2003 is entitled to a payment calculated using the formula,

$$P = (A/B) \times \$225,000$$

in which,

“P” = the amount of the payment,

“A” = the total amount otherwise paid by the Plan to the dental surgeon for insured services rendered on or after April 1, 2003 but before January 1, 2004, and

“B” = the total amount paid by the Plan for all dental services rendered on or after April 1, 2003 but before January 1, 2004.

(3) Subsection 16 (8) of the Regulation is revoked and the following substituted:

(8) In this section,

“schedule of dental benefits” means the document published by the Ministry of Health and Long-Term Care titled “Schedule of Benefits — Dental Services under the *Health Insurance Act* (January 1, 2004)”.

2. (1) Subsection 1 (1) shall be deemed to have come into force on April 1, 2002.

(2) Subject to subsection (3), subsections 1 (2) and (3) come into force on January 1, 2004.

(3) If this Regulation is filed after January 1, 2004, subsections 1 (2) and (3) shall be deemed to have come into force on January 1, 2004.

ONTARIO REGULATION 443/03
made under the
IMMUNIZATION OF SCHOOL PUPILS ACT

Made: December 17, 2003
Filed: December 19, 2003

Amending Reg. 645 of R.R.O. 1990
(General)

Note: Regulation 645 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Item 3 of the Schedule to section 5 of Regulation 645 of the Revised Regulations of Ontario, 1990 is amended by striking out "10 years" under the column heading "Interval Between Booster Doses" and substituting "NONE required".

1/04

ONTARIO REGULATION 444/03
made under the
PENSION BENEFITS ACT

Made: December 17, 2003
Filed: December 19, 2003

Amending Reg. 909 of R.R.O. 1990
(General)

Note: Regulation 909 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsection 8 (3) of Regulation 909 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(3) Subsections (1) and (2) do not apply after December 31, 2004.

RÈGLEMENT DE L'ONTARIO 444/03
pris en application de la
LOI SUR LES RÉGIMES DE RETRAITE

pris le 17 décembre 2003
déposé le 19 décembre 2003

modifiant le Règl. 909 des R.R.O. de 1990
(Dispositions générales)

Remarque : Le Règlement 909 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 8 (3) du Règlement 909 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

(3) Les paragraphes (1) et (2) ne s'appliquent plus après le 31 décembre 2004.

1/04

ONTARIO REGULATION 361/98
made under the
ENVIRONMENTAL PROTECTION ACT

Made: December 3, 2003
Filed: December 19, 2003

Amending O. Reg. 361/98
(Motor Vehicles)

Note: Ontario Regulation 361/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Subsections 9 (6) and (6.1) of Ontario Regulation 361/98 are revoked.
- (2) Subsection 9 (7.2) of the Regulation is amended by striking out "in subsection (6), (7) or (7.1)" and substituting "in subsection (7) or (7.1)".
- (3) Subsection 9 (7.3) of the Regulation is amended by striking out "in subsection (6), (7) or (7.1)" and substituting "in subsection (7) or (7.1)".
2. Subsection 9.1 (4) of the Regulation is revoked.
3. Subsections 10 (9) and (10) of the Regulation are revoked.
4. Subsection 11 (2) of the Regulation is amended by striking out "for a year and an area is prescribed for motor vehicles in that area for that year" at the end and substituting "for an area and for motor vehicles of a model year set out in that Table is prescribed for those vehicles in that area".
5. (1) Subsection 12 (2) of the Regulation is amended by striking out "a model year set out in that Table is prescribed for those motor vehicles" at the end and substituting "a type and a model year set out in that Table and for a period set out in the Table is prescribed for those vehicles for that period".
- (2) Subsections 12 (6) and (7) of the Regulation are revoked.

1/04

ONTARIO REGULATION 446/03
made under the
FARM PRODUCTS PAYMENTS ACT

Made: December 17, 2003
Filed: December 19, 2003

Amending Reg. 447 of R.R.O. 1990
(Fund for Producers of Canola)

Note: Regulation 447 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsection 5 (1) of Regulation 447 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:
 - (1) A producer who sells canola to a dealer shall pay to the Board at the time of sale a fee of \$0.20 per tonne of canola sold.

1/04

ONTARIO REGULATION 447/03
made under the
NUTRIENT MANAGEMENT ACT, 2002

Made: December 17, 2003

Filed: December 19, 2003

Amending O. Reg. 267/03
(General)

Note: Ontario Regulation 267/03 has not previously been amended.

1. (1) The definition of “accredited certifier” in subsection 1 (1) of Ontario Regulation 267/03 is revoked and the following substituted:

“accredited certifier” means a person who holds a reviewer certificate under section 104 or is an employee of the Ministry of Agriculture and Food or the Ministry of the Environment who has been appointed for the purpose of reviewing nutrient management strategies or nutrient management plans under Part IV;

(2) The definition of “agricultural source material” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“agricultural source material” means any of the following treated or untreated materials, other than a commercial fertilizer or compost that meets the guidelines entitled *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* prepared by the Ministry of the Environment and dated November 1991, if they are capable of being applied to land as nutrients:

1. Manure produced by farm animals, including associated bedding materials.
2. Runoff from farm-animal yards and manure storages.
3. Washwaters from agricultural operations that have not been mixed with human waste.
4. Organic materials produced by intermediate operations that process materials described in paragraph 1, 2 or 3;

(3) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“approved design capacity”, in relation to a sewage treatment works, means design capacity as approved for the sewage treatment works pursuant to an approval issued under the *Ontario Water Resources Act*;

(4) The definition of “aquifer” in subsection 1 (1) of the Regulation is amended by striking out “loose material” and substituting “saturated loose material”.

(5) The definition of “commercial fertilizer” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“commercial fertilizer” means a fertilizer or supplement, as both of those terms are defined in the *Fertilizers Act* (Canada), where the sum of the percentage by weight of total nitrogen, available phosphoric acid and soluble potash contained in the fertilizer or supplement is greater than 10 per cent;

(6) The definition of “compacted soil liner” in subsection 1 (1) of the Regulation is amended by striking out “Proctor” and substituting “Proctor density”.

(7) The definition of “Construction and Siting Protocol” in subsection 1 (1) of the Regulation is amended by striking out “June 30, 2003” and substituting “December 10, 2003”.

(8) The definition of “facultative hydrophilic plants” in subsection 1 (1) of the Regulation is revoked.

(9) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“hydrologic soil group AA” means a soil with rapid infiltration rates, namely hydrologic soil group A, as defined by the Drainage Guide for Ontario, located on soils that have a depth of less than 0.9 metres to bedrock;

(10) The definition of “Local Advisory Committee Protocol” in subsection 1 (1) of the Regulation is amended by striking out “June 30, 2003” and substituting “December 10, 2003”.

(11) The definition of “low-density permanent outdoor confinement area” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“low-density permanent outdoor confinement area” means an outdoor confinement area used for 4,800 hours or more in a calendar year where the number of animals confined in the area, at any time, is not sufficient to generate nutrients at a rate of more than 120 nutrient units per hectare annually;

(12) The definition of "maximum sustained slope" in subsection 1 (1) of the Regulation is amended by striking out "average".

(13) The definition of "NMAN" in subsection 1 (1) of the Regulation is amended by striking out "June 30, 2003" wherever that expression occurs and substituting in each case "December 10, 2003".

(14) The definition of "non-agricultural source material" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"non-agricultural source material" means any of the following materials, other than a commercial fertilizer or compost that meets the guidelines entitled *Interim Guidelines for the Production and Use of Aerobic Compost in Ontario* prepared by the Ministry of the Environment and dated November 1991, if they are intended to be applied to land as nutrients:

1. Pulp and paper biosolids.
2. Sewage biosolids.
3. Any other material that is not from an agricultural source that is capable of being applied to land as a nutrient;

(15) The definition of "Nutrient Management Protocol" in subsection 1 (1) of the Regulation is amended by striking out "June 30, 2003" and substituting "December 10, 2003".

(16) The definition of "obligate hydrophilic plants" in subsection 1 (1) of the Regulation is revoked.

(17) The definition of "permanent outdoor confinement area" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"permanent outdoor confinement area" means an outdoor confinement area that is either a high-density permanent outdoor confinement area or a low-density permanent outdoor confinement area;

(18) The definition of "prescribed material" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"prescribed material" means an agricultural source material or a non-agricultural source material;

(19) Subsection 1 (1) of the Regulation is amended by adding the following definition:

"pulp and paper biosolids" means solid or liquid material that results from the treatment of wastewater generated by a manufacturer of pulp, paper, recycled paper or paper products including corrugated cardboard;

(20) The definition of "runoff" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"runoff" means a liquid that,

- (a) has come into contact with manure in a permanent nutrient storage facility, temporary field nutrient storage site, outdoor confinement area or farm-animal yard lined with concrete or other paving material of equal or lesser permeability,
- (b) may contain components of manure in solution or suspension, and
- (c) is no longer contained in the permanent nutrient storage facility, temporary field nutrient storage site, outdoor confinement area or farm-animal yard;

(21) The definition of "Sampling and Analysis Protocol" in subsection 1 (1) of the Regulation is amended by striking out "June 30, 2003" and substituting "December 10, 2003".

(22) Subsection 1 (1) of the Regulation is amended by adding the following definition:

"sewage biosolids" means the residue from a sewage treatment works following treatment of sewage and removal of effluent;

(23) The definition of "water table" in subsection 1 (1) of the Regulation is revoked and the following substituted:

"water table", in relation to land, means the highest level of water found in the ground, as recorded in the water well records for the nearest water wells to the land or as determined by a test hole dug at the time of or before the placing of materials containing nutrients at a temporary field nutrient storage site located on the land;

(24) Subsection 1 (2) of the Regulation is amended by adding the following definition:

"pulp and paper sludge" means pulp and paper biosolids as defined in subsection (1).

(25) Section 1 of the Regulation is amended by adding the following subsection:

(4) This Regulation applies to nutrient management strategies prepared in accordance with the regulations, and not to other nutrient management strategies, and references in this Regulation to a nutrient management strategy shall be read as references to a nutrient management strategy prepared in accordance with the regulations, unless the context requires otherwise.

2. (1) The definition of “surface water” in subsection 2 (1) of the Regulation is revoked and the following substituted:

“surface water” means, subject to subsection (2),

- (a) a natural or artificial channel that carries water continuously throughout the year, or intermittently, and does not have established vegetation within the bed of the channel except vegetation dominated by plant communities that require or prefer the continuous presence of water or continuously saturated soil for their survival,
- (b) a lake, reservoir, pond or sinkhole, or
- (c) a wetland, such as a swamp, marsh, bog or fen, but not land that is being used for agricultural purposes that no longer exhibits wetland characteristics, if the wetland,
 - (i) is seasonally or permanently covered by shallow water or has the water close to the surface of the ground, and
 - (ii) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants.

(2) Paragraph 6 of subsection 2 (2) of the Regulation is revoked and the following substituted:

- 6. Artificial bodies of water intended for the storage, treatment or recirculation of runoff from farm-animal yards, manure storage facilities and sites and outdoor confinement areas.

3. Subsection 6 (1) of the Regulation is revoked and the following substituted:

Application of Regulation

(1) This Regulation, except for section 45, subsection 47 (3) and section 49, does not apply to a farm unit that generates five or fewer nutrient units of manure annually.

4. (1) Clause 9 (1) (b) of the Regulation is revoked and the following substituted:

- (b) a non-agricultural operation that generates non-agricultural source materials for application to land.

(2) Subsection 9 (2) of the Regulation is revoked and the following substituted:

- (2) A separate nutrient management strategy is required for,
 - (a) each farm unit on which an agricultural operation to which a nutrient management strategy applies is carried out; and
 - (b) each non-agricultural operation that generates non-agricultural source materials for application to land.

5. The Regulation is amended by adding the following section:

Construction of buildings or structures

11.1 If this Regulation requires a person who owns or controls an agricultural operation to have a nutrient management strategy for carrying out the operation, no person shall construct a building or structure on a farm unit on which the operation is carried out, where the building or structure is used to house farm animals or store nutrients, unless the nutrient management strategy has been prepared and, if applicable, approved in accordance with this Regulation.

6. (1) Subsection 12 (1) of the Regulation is revoked and the following substituted:

Phasing-in, non-agricultural operations

(1) Section 10 applies, on or after the date set out in Column 3 of the following Table, to a non-agricultural operation that generates the non-agricultural source materials described in Column 2 opposite the date in the circumstances, if any, described in Column 2:

TABLE

Column 1	Column 2	Column 3
Item	Type of non-agricultural source materials generated and circumstances	Date of phasing-in
1.	Pulp and paper biosolids.	January 1, 2008
2.	Sewage biosolids if,	
	(a) the operation is a municipal sewage treatment works that has an approved design capacity of fewer than 4,450 cubic metres per day;	January 1, 2008
	(b) the operation is a municipal sewage treatment works that has an approved design capacity of 4,450 cubic metres or more per day but no more than 45,400 cubic metres per day;	January 1, 2007
	(c) the operation is a municipal sewage treatment works that has an approved design capacity of more than 45,400 cubic metres per day.	January 1, 2005
3.	Non-agricultural source material that is not described in item 1 or 2.	January 1, 2007

(2) The definition of “municipal sewage processor” in subsection 12 (2) of the Regulation is amended by striking out “municipal sewage processor” and substituting “municipal sewage treatment works”.

7. The Regulation is amended by adding the following section before part iii:

Construction of buildings or structures

15.1 If this Regulation requires a person who owns or controls an agricultural operation to have a nutrient management plan for carrying out the operation, no person shall construct a building or structure on a farm unit on which the operation is carried out, where the building or structure is used to house farm animals or store nutrients, unless the nutrient management plan has been prepared and, if applicable, approved in accordance with this Regulation.

8. Clause 17 (1) (c) of the Regulation is revoked and the following substituted:

(c) must be signed by the owner of the operation or by an authorized agent of the owner.

9. (1) Subsection 20 (2) of the Regulation is revoked.

(2) Section 20 of the Regulation is amended by adding the following subsections:

(3.1) If this Regulation requires a person who owns or controls an operation to have a nutrient management strategy for carrying out the operation, the nutrient management strategy may provide for the transfer of prescribed materials to another agricultural operation.

(3.2) If this Regulation requires a person who owns or controls the agricultural operation receiving the prescribed materials mentioned in subsection (3.1) to have a nutrient management strategy or nutrient management plan for carrying out the operation, the strategy or plan must provide for the management of the transferred materials at the operation.

10. (1) Subparagraph 2 iii of section 22 of the Regulation is revoked.

(2) Subparagraph 2 iv of section 22 of the Regulation is amended by striking out "intermediate handler" and substituting "intermediate generator".

11. Clause 24 (1) (c) of the Regulation is revoked and the following substituted:

(c) must be signed by the owner of the operation or by an authorized agent of the owner.

12. Clause 27 (1) (a) of the Regulation is revoked and the following substituted:

(a) the operation is an agricultural operation that generates agricultural source materials and the number of farm animals that are on the farm unit on which the operation is carried out or that are capable of being housed on the farm unit is sufficient to generate 150 or more nutrient units annually; or

13. Subsection 28 (5) of the Regulation is amended by striking out "(b)".

14. The Regulation is amended by adding the following sections:

Amendment of approval

31.1 (1) A Director may, on his or her own initiative, amend an approval to impose, vary or remove conditions at any time after the issuance of the approval, if the Director considers it necessary for the purposes of the Act or this Regulation.

(2) A Director who, under subsection (1), amends an approval for a nutrient management strategy or plan for an operation shall notify the person who owns or controls the operation or the farm unit on which the operation is carried out of the amendment.

Suspension of approval

31.2 (1) A Director may suspend an approval issued under this Part for a nutrient management strategy or plan for an operation if,

(a) the Director is of the opinion that the continuing usage of the strategy or plan will result in a health hazard or an adverse effect described in subsection 18 (3) of the Act; and

(b) one of the following conditions is met:

(i) the Director has given the person who owns or controls the operation or the farm unit on which the operation is carried out reasonable notice of a deficiency associated with the strategy or plan and the person has not corrected the deficiency,

(ii) the conditions described in the strategy or plan are not consistent with the conditions that exist on the operation or the farm unit on which the operation is carried out.

(2) A Director who suspends an approval for a nutrient management strategy or plan for an operation shall notify the person who owns or controls the operation or the farm unit on which the operation is carried out of the suspension.

(3) A Director may reinstate an approval that has been suspended if the reason for suspending the approval no longer exists and there are no additional grounds for suspending the approval.

Revocation of approval

31.3 (1) A Director may revoke an approval of a nutrient management strategy or plan issued under this Part if,

- (a) the approval was issued on the basis of false information or information that was incomplete;
- (b) the approval was issued in error or to the wrong person;
- (c) the person who owns or controls the operation or the farm unit on which the operation is carried out has not complied with the approval; or
- (d) the approval has been suspended.

(2) A Director who revokes an approval for a nutrient management strategy or plan for an operation shall notify the person who owns or controls the operation or the farm unit on which the operation is carried out of the revocation.

15. Sections 33 and 34 of the Regulation are revoked and the following substituted:

Duration of certification

33. The certification of a nutrient management strategy or plan remains in force as long as the strategy or plan remains in force.

16. (1) Subsection 35 (1) of the Regulation is amended by striking out “Subject to subsection (2)”.

(2) Subsection 35 (2) of the Regulation is revoked.

17. Paragraphs 1 and 3 of subsection 36 (2) of the Regulation are revoked and the following substituted:

- 1. The type and quantity of the prescribed materials to be received and the projected date of receipt.
- 3. The operation identifier for the operation in the course of which the materials were generated or for the farm unit where the operation is carried out.

18. Section 41 of the Regulation is revoked.

19. (1) Subsection 42 (2) of the Regulation is revoked and the following substituted:

(2) Land is divided into the hydrologic soil groups as determined in accordance with the Drainage Guide for Ontario.

(2) The Table to subsection 42 (3) of the Regulation is revoked and the following substituted:

TABLE

Column 1	Column 2		
Hydrologic soil group	Runoff Potential		
	Maximum sustained field slope of the land within 150 metres of the top of the bank of surface water		
	at least 3% but less than 6%	at least 6% but less than 9%	at least 9% but less than 12 %
Category A: Rapid	Very Low	Low	High
Category B: Moderate	Low	Moderate	High
Category C: Slow	Moderate	High	No application allowed
Category D: Very Slow	High	High	No application allowed

20. The definition of “compost” in subsection 43 (6) of the Regulation is amended by striking out “for the purposes of this Regulation”.

21. Subsection 44 (3) of the Regulation is revoked and the following substituted:

(3) No person shall apply nutrients within the vegetated buffer zone except for an amount of commercial fertilizer that is reasonable to establish or maintain the vegetation of the buffer zone.

(3.1) For the purposes of subsection (3), a person shall be deemed to apply commercial fertilizer to establish or maintain the vegetation of a vegetated buffer zone if the person applies the fertilizer,

- (a) in accordance with a determination, made using the Sampling and Analysis Protocol, of the concentration in the soil of the vegetated buffer zone for each of the following parameters: available phosphorus, available potassium and soil pH;
- (b) in accordance with the recommendations of the Ministry of Agriculture and Food as set out in the computer program described in clause (a) of the definition of “NMAN” in subsection 1 (1); and
- (c) in a manner so that the agronomic balance does not exceed zero.

22. Sections 47 and 48 of the Regulation are revoked and the following substituted:

Prohibitions on application of prescribed materials

47. (1) No person shall apply prescribed materials that are not sewage biosolids or pulp and paper biosolids to land described in subsection (2),

- (a) during the period beginning on December 1 of one year and ending on March 31 of the following year; or
- (b) at any other time when the soil of the land is snow-covered or frozen.

(2) Subsection (1) applies to,

- (a) land that is subject to flooding once or more every five years according to flood plain mapping provided by the municipality or conservation authority having jurisdiction over the land; or
- (b) land where water collects during a rainstorm or thaw and flows directly into surface water.

(3) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall apply sewage biosolids to land,

- (a) during the period beginning on December 1 of one year and ending on March 31 of the following year; or
- (b) at any other time when the soil of the land is snow-covered or frozen.

Requirements for application of prescribed materials

48. (1) Subject to section 47, no person shall apply prescribed materials to land during the period beginning on December 1 of one year and ending on March 31 of the following year or at any other time when the soil of the land is snow-covered or frozen except in accordance with this section.

(2) If the materials being applied are liquid agricultural source materials and the application is done during the period beginning on December 1 of one year and ending on March 31 of the following year when the soil of the land is not snow-covered or frozen,

- (a) the application must be done by,
 - (i) injection,
 - (ii) spreading and incorporation into the soil within the same day, or
 - (iii) surface application, if the land is covered by a living crop or crop residue that covers at least 30 per cent of the land surface, as determined in accordance with the Nutrient Management Protocol;
- (b) the setback from the top of the bank of surface water must be 20 metres or more; and
- (c) the materials must not be applied within 100 metres from the top of the bank of surface water, if the maximum sustained slope of the land is greater than 3 per cent.

(3) If the materials being applied are liquid agricultural source materials and the application is done at any time when the soil of the land is snow-covered or frozen,

- (a) the application must be done by injection or by spreading and incorporation into the soil within six hours;
- (b) the setback from the top of the bank of surface water must be 20 metres or more; and
- (c) the materials must not be applied within 100 metres from the top of the bank of surface water, if the maximum sustained slope of the land is greater than 3 per cent.

(4) If the materials being applied are solid agricultural source materials and the application is done during the period beginning on December 1 of one year and ending on March 31 of the following year when the soil of the land is not snow-covered or frozen,

- (a) the application must be done by,
 - (i) spreading and incorporation into the soil within the same day, or
 - (iii) surface application, if the land is covered by a living crop or crop residue that covers at least 30 per cent of the land surface, as determined in accordance with the Nutrient Management Protocol; and
- (b) the materials must not be applied within 100 metres from the top of the bank of surface water, if the maximum sustained slope of the land is greater than 6 per cent.

(5) If the materials being applied are solid agricultural source materials that are not solid manure and the application is done at any time when the soil of the land is snow-covered or frozen,

- (a) the application must be done by spreading and incorporation into the soil within six hours; and
- (b) the materials must not be applied within 100 metres from the top of the bank of surface water, if the maximum sustained slope of the land is greater than 6 per cent.

(6) If the materials being applied are solid manure and the application is done at any time when the soil of the land is snow-covered or frozen,

(a) the application must be done in accordance with the following criteria:

- (i) the application must be done by spreading and incorporation into the soil within six hours, and
- (ii) the materials must not be applied within 100 metres from the top of the bank of surface water, if the maximum sustained slope of the land is greater than 6 per cent; or

(b) the application must be done in accordance with the following criteria:

- (i) the application must be done by surface application,
- (ii) the setback from the top of the bank of surface water must be 100 metres or more,
- (iii) the maximum depth of snow in the area of application must not exceed 15 centimetres, and
- (iv) the maximum slope of the area of application must be less than 3 per cent.

(7) If the materials being applied are non-agricultural source materials that are not sewage biosolids or pulp and paper biosolids and if the application is done during the period beginning on December 1 of one year and ending on March 31 of the following year when the soil of the land is not snow-covered or frozen,

(a) the application must be done by,

- (i) injection,
- (ii) spreading and incorporation into the soil within the same day, or
- (iii) surface application, if the land is covered by a living crop or crop residue that covers at least 30 per cent of the land surface, as determined in accordance with the Nutrient Management Protocol;

(b) the setback from the top of the bank of surface water must be 20 metres or more, if the materials are liquid; and

(c) the materials must not be applied within 100 metres from the top of the bank of surface water, if the maximum sustained slope of the land is greater than 3 per cent.

(8) If the materials being applied are non-agricultural source materials that are not sewage biosolids or pulp and paper biosolids and if the application is done at any time when the soil of the land is snow-covered or frozen,

(a) the application must be done by injection or by spreading and incorporation into the soil within six hours; and

(b) the materials must not be applied within 100 metres from the top of the bank of surface water, if the maximum sustained slope of the land is greater than 3 per cent.

23. Subsection 50 (4) of the Regulation is revoked and the following substituted:

(4) Each person who uses a direct flow application system shall ensure that the system is designed and operated so that when it is shut down no manure or non-agricultural source materials continue to flow from the storage facility by siphoning or other means.

24. (1) Subsection 54 (1) of the Regulation is amended by striking out "impervious" in the portion before clause (a).

(2) Clause 54 (1) (a) of the Regulation is revoked and the following substituted:

(a) consists of concrete;

(3) Clause 54 (1) (b) of the Regulation is amended by striking out "a water table" and substituting "an aquifer".

(4) Clause 54 (1) (c) of the Regulation is revoked and the following substituted:

(c) consists of any natural or engineered material that,

(i) provides protection that is equivalent to or greater than the protection provided by the materials described in clauses (a) and (b), and

(ii) is designed and constructed under the supervision of a professional engineer.

(5) Subsection 54 (3) of the Regulation is revoked and the following substituted:

(3) A person who owns or controls a low-density permanent outdoor confinement area used in the course of an agricultural operation that is carried out on a farm unit, on which the number of farm animals is not sufficient to generate 300 nutrient units, shall ensure that the load-bearing surface of the confinement area has a layer that,

- (a) consists of a minimum of 500 millimetres of natural material that is located, underground, between the top of the load-bearing surface of the confinement area and the bedrock or aquifer and that has a saturated hydraulic conductivity of no greater than 1×10^{-8} metres per second or a 15 per cent clay content;
- (b) consists of concrete; or
- (c) consists of any natural or engineered material that,
 - (i) provides protection that is equivalent to or greater than the protection provided by the materials described in clause (a), and
 - (ii) is designed and constructed under the supervision of a professional engineer.

25. Subsection 59 (1) of the Regulation is revoked.

26. (1) Subsection 60 (1) of the Regulation is amended by striking out "livestock" and substituting "animals".

(2) Subsection 60 (3) of the Regulation is amended by striking out "a livestock management" and substituting "an animal management".

27. (1) Clause 63 (1) (c) of the Regulation is revoked and the following substituted:

(c) within 30 metres of any other well, if the facility is designed to store only agricultural source materials; or

(2) Clause 63 (2) (b) of the Regulation is revoked and the following substituted:

(b) removing all drainage tiles within 15 metres of the perimeter of the facility; and

(3) Subsection 63 (3) of the Regulation is amended by adding "or tile inlet" at the end.

28. (1) Paragraph 2 of subsection 65 (2) of the Regulation is revoked and the following substituted:

2. Lined concrete or steel storage facilities with reinforced concrete floors must have a minimum of 0.5 metres of native undisturbed material or compacted granular material between the bottom of the storage facility and the uppermost identified bedrock layer or aquifer.

(2) Paragraph 3 of subsection 65 (2) of the Regulation is amended by striking out "or compacted granular material".

(3) Paragraph 5 of subsection 65 (2) of the Regulation is amended by striking out "intermediate handlers" and substituting "intermediate generators".

(4) Subsection 65 (3) of the Regulation is amended by striking out "intermediate handlers" and substituting "intermediate generators" in the portion before clause (a).

(5) Clauses 65 (3) (b), (c) and (d) of the Regulation are revoked and the following substituted:

(b) the facility has at least 2.0 metres of hydraulically secure soil between the bottom and sides of the facility and the uppermost identified bedrock layer or aquifer;

(c) the soil materials that form the interior surface of the facility are disked to a depth of at least 150 millimetres and recompact to meet a hydraulic conductivity of no more than 1×10^{-8} metres per second;

(d) any soil anomalies that are discovered during construction, such as coarse material lenses, large rocks or soil fractures are excavated and filled with a clay based material to a depth of one metre to the satisfaction of the professional engineer;

(6) Clause 65 (3) (f) of the Regulation is amended by striking out "Proctor" and substituting "Proctor density".

29. Section 66 of the Regulation is revoked and the following substituted:

Permanent solid nutrient storage facility

66. (1) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a permanent solid nutrient storage facility described in subsection (2) unless the person retains the services of a professional engineer or professional geoscientist to carry out a stage one hydrogeologic or geotechnical investigation of the site of the proposed facility that establishes,

(a) the fact that there is at least 0.9 metres of soil comprised of a clay content of at least 15 per cent between the bottom of the proposed facility and the uppermost identified bedrock or aquifer; or

(b) the fact that there is at least 0.5 metres of hydraulically secure soil between the bottom of the proposed facility and the uppermost identified bedrock or aquifer.

(2) Subsection (1) applies to a permanent solid nutrient storage facility used in the course of the operation on a farm unit where the facility does not have a concrete floor and where,

(a) the number of farm animals on the farm units is sufficient to generate 300 or more nutrient units annually; or

(b) the following conditions are met:

- (i) the person who owns or controls the farm unit submits an application, on or after September 30, 2003, for a building permit under the *Building Code Act, 1992* with respect to any building or structure that is used to house farm animals and that is located or to be located on the farm unit,
- (ii) the construction work on the building or structure authorized by the building permit would increase the capacity of the farm unit to house farm animals to a number that would be sufficient to generate 300 or more nutrient units annually.

30. The Regulation is amended by adding the following section:

Construction or expansion of buildings

69.1 (1) No person shall construct or expand any building or structure that is used to house farm animals on an agricultural operation carried out on a farm unit, for which this Regulation requires a nutrient management strategy or nutrient management plan, unless it includes, as part of the farm unit a permanent nutrient storage facility, a temporary field nutrient storage site or a combination of such facilities and sites that is capable of containing at least all of the nutrients generated over a period of 240 days by the number of farm animals that the building or structure has the capacity to house.

(2) If a person constructs or expands a building or structure that is used to house farm animals on an agricultural operation carried out on a farm unit that has a nutrient management strategy and if the strategy provides for the use or transfer of some or all of the nutrients generated by the number of farm animals that the building or structure has the capacity to house by a means that eliminates the need for storing the nutrients on the farm unit for 240 days, the storage capacity of the facility, site or combination that subsection (1) requires for the building or structure must be at least equal to the storage capacity that the strategy requires.

(3) If a person constructs or expands a building or structure that is used to house farm animals on an agricultural operation described in subsection (4), the storage capacity of the facility, site or combination that subsection (1) requires for the building or structure must be at least equal to the storage capacity that the nutrient management plan for the operation requires for the building or structure if,

- (a) the plan provides for the application to land, on a schedule of times that eliminates the need for storing nutrients on the farm unit for 240 days, of all of the nutrients generated by the number of animals that the building or structure has the capacity to house; and
 - (b) the nutrient management strategy for the operation does not provide for their use or disposal.
- (4) Subsection (3) applies to a livestock operation that,
- (a) generates and uses only solid manure; or
 - (b) generates liquid manure and has not increased the number of farm animals on the farm unit on which the operation is carried out since September 30, 2003.

(5) If a person constructs or expands a building or structure that is used to house farm animals on an agricultural operation and sends some of the nutrients generated in the course of the operation to a broker, the person and the broker shall, between them, have an aggregate storage capacity of 240 days for all of the nutrients generated by the number of animals that the building or structure has the capacity to house.

(6) If the period of use of a building or structure that is used to house farm animals is less than 240 days, the storage capacity of the facility, site or combination that subsection (1) requires for the building or structure must be adequate for the number of animals that the building or structure has the capacity to house for the period of confinement.

31. Subsection 72 (1) of the Regulation is amended by striking out “corrosion resistance and protection of reinforcements of the facility” and substituting “and corrosion resistance of the concrete and to protect the reinforcing materials, if any, in the concrete”.

32. Subsection 75 (1) of the Regulation is amended by striking out “of the materials”.

33. Clause 76 (a) of the Regulation is revoked and the following substituted:

- (a) the load factor, α_L , as defined in clause 4.1.3.1. (1) (c) of Part 4 of the *Building Code Act, 1992* for liquid loads is 1.5 or another value that a professional engineer is satisfied should be used;

34. The following provisions of the Regulation are amended by striking out “manure gases” and substituting “gases from agricultural source materials”:

- 1. Subsection 78 (1).
- 2. Subsection 78 (2).

35. Clause 79 (a) of the Regulation is revoked and the following substituted:

- (a) the dimensions of the facility have been calculated using the computer program described in clause (a) of the definition of "NMAN" in subsection 1 (1);

36. (1) Subsection 81 (2) of the Regulation is revoked and the following substituted:

(2) On or after the day on which this Regulation requires an operation to have a nutrient management strategy or nutrient management plan, no person shall construct or expand a farm-animal yard lined with concrete or other paving material of equal or lesser permeability, other than a permanent outdoor confinement area, unless it is equipped with a runoff management system that handles all of the runoff generated by the yard and that complies with this section.

(2) Subsection 81 (3) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(3) A runoff management system for a permanent solid nutrient storage facility that is not described in subsection (4) or for a yard that is described in subsection (2) but not subsection (5) must consist of at least one of the following:

(3) Clause 81 (4) (a) of the Regulation is revoked and the following substituted:

(a) has been constructed in accordance with the criteria for the sizing of nutrient storage facilities, that are contained in the computer program described in clause (a) of the definition of "NMAN" in subsection 1 (1), to ensure that the facility is able to hold the amount of agricultural source materials projected for the storage period required by section 69;

(4) Subsection 81 (5) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(5) Subsection (6) applies to a yard described in subsection (2) that,

(5) Clause 81 (5) (b) of the Regulation is amended by striking out "outdoor livestock confinement area" and substituting "outdoor confinement area".

(6) Subclause 81 (6) (b) (ii) of the Regulation is revoked and the following substituted:

(ii) is not located within 3 metres of a field tile drain, 100 metres of a municipal well, 15 metres of a drilled well or,

(A) 90 metres of any other well, if the system is for a permanent nutrient storage facility that is used to store non-agricultural source materials, or

(B) 30 metres of any other well, in all other cases, and

37. Paragraph 3 of subsection 83 (1) of the Regulation is amended by striking out "as defined by the Drainage Guide for Ontario".

38. (1) Clauses 85 (1) (b), (c) and (d) of the Regulation are revoked and the following substituted:

(b) the time period determined in accordance with subsection (2), in the case of prescribed materials other than de-watered municipal sewage biosolids.

(2) Subsection 85 (2) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

(2) The maximum number of days for which prescribed materials, other than de-watered municipal sewage biosolids, may be stored in a temporary field nutrient storage site shall be determined in accordance with the following rules:

(3) Paragraph 1 of subsection 85 (2) of the Regulation is amended by striking out "Column 1" and substituting "Column 2".

(4) Paragraph 2 of subsection 85 (2) of the Regulation is amended by striking out "Column 2" and substituting "Column 3" and by striking out "Column 1" and substituting "Column 2".

(5) Paragraph 3 of subsection 85 (2) of the Regulation is amended by striking out "Column 2" and substituting "Column 3" and by striking out "Column 1" and substituting "Column 2".

(6) Paragraph 5 of subsection 85 (2) of the Regulation is revoked and the following substituted:

5. The number that results from applying the rules set out in paragraphs 1 to 4 is the maximum number of days for which prescribed materials, other than de-watered municipal sewage biosolids, may be stored in the site but that number cannot exceed 300 days.

(7) The Table to subsection 85 (2) of the Regulation is revoked and the following substituted:

TABLE

Item	Column 1	Column 2	Column 3
		Management Techniques and Field Conditions for Materials Stored in a Temporary Field Nutrient Storage Site	Days
1.	Percentage of dry matter	Nutrients stored in the site have a dry matter content of,	
		(a) 50 per cent or more;	+60
		(b) 30 per cent or more, but less than 50 per cent;	+30
		(c) 18 per cent or more, but less than 30 per cent.	+0
2.	Percentage of nitrogen and percentage of phosphorus	The percentage of total nitrogen combined with the percentage of total phosphorus, both on a wet basis, is,	
		(a) less than 0.8 per cent;	+60
		(b) at least 0.8 per cent, but less than 1.6 per cent;	+30
		(c) 1.6 per cent or more.	+0
3.	Drainage tile and bedrock location	There are no field drainage tiles at any depth of the soil surface and no bedrock within 0.9 metres of the soil surface, located,	+0
		(a) under the site;	
		(b) within 3 metres of the perimeter of the site; or	
		(c) within the first 50 metres of the flow path to surface water.	
		There are field drainage tiles at any depth of the soil surface or bedrock within 0.9 metres of the soil surface, located,	-60
		(a) under the site;	
		(b) within 3 metres of the perimeter of the site; or	
		(c) within the first 50 metres of the flow path to surface water.	
4.	Soil type under the site	The site is situated on soil included in the following hydrologic soil groups as defined by the Drainage Guide for Ontario:	
		B, C or D.	+30
		A.	+0
5.	Perimeter of the site	The outer edge of the site, at the ground surface, has a perimeter of,	
		(a) less than 100 metres;	+30
		(b) 100 metres or more.	+0
6.	Covers and tarps	The site is covered with a rain-shedding tarp that,	+120
		(a) has been anchored against wind removal;	
		(b) has been placed on the site on the same day on which the first materials were placed on the site; and	
		(c) remains in place for the entire storage period.	
		The site is not covered with such a rain-shedding tarp.	+0
7.	Distance to surface water	The site has a flow path to the nearest surface water or water inlet for field tile drainage of,	
		(a) 150 metres or more;	+30
		(b) at least 50 metres but less than 150 metres.	+0
8.	Location of the site	The site is situated on the same location, or within 125 metres of the same location,	
		(a) not more often than once every three years;	+60
		(b) more often than once every three years.	+0
9.	Materials removed from the site	The site is not situated on the same location, or within 125 metres of the same location, more often than once every three years and the materials stored on the site are removed from the site and applied to land during the period between August 15 and October 15 in any one year.	+60
		The situation described in the box immediately above does not apply to the site.	+0
10.	Turning of stored materials	The pile of materials stored on the site,	+120
		(a) has a dry matter content of between 25 and 60 per cent;	
		(b) has a ratio of carbon to nitrogen of between 20:1 and 40:1; and	
		(c) is turned so that every piece of material in the pile is displaced from its former position and mixed or inverted once weekly for the first three weeks, and once monthly after that.	
		The situation described in the box immediately above does not apply to the site.	+0

39. (1) Clauses 86 (b) and (c) of the Regulation are revoked and the following substituted:

- (b) the dates on which the pile of materials was displaced and mixed or inverted, if applicable;
- (c) the date on which the materials were removed from the site;

(2) Section 86 of the Regulation is amended by adding "and" at the end of clause (b) and by adding the following clause:

(e) a record of the management techniques and field conditions set out in Column 2 of the Table to subsection 85 (2).

40. (1) Clause 87 (1) (a) of the Regulation is amended by striking out "constructed and designed" and substituting "designed and constructed".

(2) Subsection 87 (4) of the Regulation is amended by striking out "shutoff value" and substituting "shut-off valve".

41. The heading to Part IX of the Regulation is amended by striking "ANALYSIS" and substituting "ANALYSIS AND".

42. (1) The definition of "approved design capacity" in section 89 of the Regulation is revoked.

(2) The definition of "parameter" in section 89 of the Regulation is amended by adding the following paragraph:

7.1 pH of the material being analyzed.

43. Subsection 90 (1) of the Regulation is revoked and the following substituted:

Sampling, analysis and calculation procedures

(1) Each person who is required to have a sample analyzed in relation to a parameter under this Part shall have the analysis done in accordance with this Part and the methods specified in the Sampling and Analysis Protocol, unless this Regulation specifies otherwise.

44. Subsection 91 (1) of the Regulation is amended by striking out "are to be applied" and substituting "are applied" in the portion before clause (a).

45. (1) Subsection 94 (1) of the Regulation is amended by striking out "land, subject to" and substituting "land" in the portion before clause (a).

(2) Clause 94 (3) (a) of the Regulation is amended by striking out "10,000 milligrams per litre or more" and substituting "10,000 milligrams or more per litre".

(3) Clause 94 (4) (a) of the Regulation is amended by striking out "at same sampling location" and substituting "at the same sampling location".

46. Clauses 95 (2) (a) and (b) of the Regulation are revoked and the following substituted:

(a) the maximum metal concentration set out in Column 2 of Table 1 to this Part opposite the regulated metal set out in Column 1, if the materials are sewage biosolids and the materials are to be applied at a rate exceeding 8 tonnes per hectare per five years;

(b) the maximum metal concentration set out in Column 3 of Table 1 of this Part opposite the regulated metal set out in Column 1, if the materials are sewage biosolids and the materials are to be applied at a rate not exceeding 8 tonnes per hectare per five years;

(c) the maximum metal concentration set out in Column 2 of Table 2 to this Part opposite the regulated metal set out in Column 1, if the materials are not sewage biosolids and the materials contain total solids dry weight of less than 10,000 milligrams per litre;

(d) the maximum metal concentration set out in Column 3 of Table 2 to this Part opposite the regulated metal set out in Column 1, if the materials are not sewage biosolids and the materials contain total solids dry weight of 10,000 milligrams or more per litre.

47. (1) Section 97 of the Regulation is amended by adding the following subsection:

Prohibitions on application to land

(0.1) Despite any other provision of this Regulation or a nutrient management plan, if a generator of non-agricultural source materials is required to have a nutrient management strategy, no person shall apply the materials to the land of an established golf course or to land on which tobacco is grown.

(2) Subsection 97 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(1) Despite any other provision of this Regulation or a nutrient management plan, if a generator of non-agricultural source materials is required to have a nutrient management strategy, no person shall apply the materials to land if,

(3) Clause 97 (1) (c) of the Regulation is amended by,

(a) striking out "10,000 milligrams per litre of material or more" and substituting "10,000 milligrams or more per litre"; and

(b) striking out “or” at the end.

(4) Clause 97 (1) (d) of the Regulation is amended by striking out “10,000 milligrams per litre of material or more” and substituting “10,000 milligrams per litre”.

(5) Subsection 97 (1) of the Regulation is amended by adding the following clauses:

- (e) the concentration for available phosphorus in the soil of the land, as determined under subsection 93 (1), exceeds 60 milligrams of phosphorous per litre of soil; or
- (f) the land has a soil pH value, as determined in accordance with the Sampling and Analysis Protocol, of less than six, unless the materials are used for the purpose of increasing the soil pH value to more than six.

(6) Subsection 97 (2) of the Regulation is revoked and the following substituted:

(2) Despite any other provision of this Regulation or a nutrient management plan, if a generator of non-agricultural source materials is required to have a nutrient management strategy, no person shall apply sewage biosolids to land if the most recently determined geometric mean for a concentration of E.coli in the sewage biosolids, as determined under clause 94 (4) (b), exceeds the maximum concentration of 2×10^6 colony forming units per gram total solids, dry weight.

48. Section 98 of the Regulation is revoked and the following substituted:

Prohibition on transfer of non-agricultural source materials

98. If a generator of a non-agricultural source materials is required to have a nutrient management strategy, no person shall transfer the material from a site where it was generated to a centralized storage or mixing facility that also receives non-agricultural source materials generated at another site if,

- (a) the most recently determined arithmetic average for a concentration of a regulated metal in the material, as determined under clause 94 (4) (a), exceeds,
 - (i) the maximum metal concentration set out in Column 3 of Table 1 for the regulated metal, if the material is sewage biosolids,
 - (ii) the maximum metal concentration set out in Column 2 of Table 2 for the regulated metal, if the material is not sewage biosolids and contains total solids dry weight of less than 10,000 milligrams of material per litre,
 - (iii) the maximum metal concentration set out in Column 3 of Table 2 for the regulated metal, if the material is not sewage biosolids and contains total solids dry weight of 10,000 milligrams of material or more per litre; or
- (b) the material has not been subjected to a pathogen treatment process option set out in the Nutrient Management Protocol, if the material is a sewage biosolid.

49. Table 1 of Part IX of the Regulation is amended by striking out “non-agricultural materials” wherever that expression occurs and substituting in each case “non-agricultural source materials”.

50. Table 2 of Part IX of the Regulation is revoked and the following substituted:

TABLE 2
STANDARDS FOR REGULATED METALS IN MATERIALS APPLIED TO LAND THAT ARE NOT SEWAGE
BIOSOLIDS

Column 1	Column 2	Column 3	Column 4	Column 5
Regulated Metals	Maximum metal concentration in materials that contain total solids dry weight of less than 10,000 milligrams per litre (mg of metal / L)	Maximum metal concentration in materials that contain total solids dry weight of 10,000 milligrams or more per litre (mg / Kg of total solids dry weight)	Maximum permissible metal addition to soil receiving non-agricultural source materials (Kg / Ha / 5 Years)	Maximum metal concentration in soils receiving non-agricultural source materials (mg / Kg of Soil, dry weight)
Arsenic	1.70	170	1.40	14
Cadmium	0.34	34	0.27	1.6
Cobalt	3.40	340	2.70	20
Chromium	28	2800	23.30	120
Copper	17	1700	13.60	100
Mercury	0.11	11	0.09	0.5
Molybdenum	0.94	94	0.80	4
Nickel	4.20	420	3.56	32
Lead	11	1100	9.00	60
Selenium	0.34	34	0.27	1.6
Zinc	42	4200	33.00	220

51. Table 3 of Part IX of the Regulation is revoked and the following substituted:

TABLE 3
NON-AGRICULTURAL SOURCE MATERIALS SAMPLING — PARAMETERS AND FREQUENCIES

Column 1	Column 2	Column 3	Column 4
Type of non-agricultural source material	Parameters	Minimum Sampling Frequency	Alternate Minimum Sampling Frequency
Sewage biosolids	1. total kjeldahl nitrogen 2. ammonia and ammonium nitrogen 3. nitrate and nitrite nitrogen 4. total phosphorus 5. total solids 6. volatile solids 7. regulated metals 8. E.Coli	For parameters 1 to 8 in Column 2, (a) for sewage treatment works with an approved design capacity of 45,400 cubic metres or less per day, the person shall collect two samples within 30 days before the application of the material to land and two additional samples within 90 days before the application of the material to land; each sample shall be collected with a minimum interval of two days between the samples collected;	For parameters 1 to 8 in Column 2, (a) for sewage treatment works with an approved design capacity of 45,400 cubic metres or less per day, the person shall collect one sample within 30 days before the application of the material to land and one additional sample within 90 days before the application of the material to land, with a minimum interval of two days between each sample;
		(b) for sewage treatment works with an approved design capacity of greater than 45,400 cubic metres per day, the person shall collect no less than two samples per month with a minimum interval of two days between each sample.	(b) for sewage treatment works with an approved design capacity of greater than 45,400 cubic metres per day, the person shall collect no less than one sample per month with a minimum interval of two days between each sample.

Materials that are not sewage biosolids	<ol style="list-style-type: none"> 1. total kjeldahl nitrogen 2. ammonia and ammonium nitrogen 3. nitrate and nitrite nitrogen 4. total phosphorus 5. total solids 6. volatile solids 7. regulated metals 	For materials having a concentration of total solids of 10,000 milligrams or more per litre,	For materials having a concentration of total solids of 10,000 milligrams or more per litre,
		(a) in relation to generators that generate the material at a rate of 2,500 tonnes dry weight or less per year, the person shall collect two samples within 30 days before the application of the material to land and two additional samples within 90 days before the application of the material to land; each sample shall be collected with a minimum interval of two days between the samples collected;	(a) in relation to generators that generate the material at a rate of 2,500 tonnes dry weight or less per year, the person shall collect one sample within 30 days before the application of the material to land and one additional sample within 90 days before the application of the material to land, each sample shall be collected with a minimum interval of two days between the samples collected;
		(b) in relation to generators that generate the material at a rate greater than 2,500 tonnes dry weight per year, the person shall collect no less than two samples per month with a minimum interval of two days between the samples collected.	(b) in relation to generators that generate the material at a rate greater than 2,500 tonnes dry weight per year, the person shall collect no less than one sample per month with a minimum interval of two days between the samples collected.
		For materials having a concentration of total solids of less than 10,000 milligrams per litre,	For materials having a concentration of total solids of less than 10,000 milligrams per litre:
		(a) in relation to generators that generate the material at a rate of 250,000 cubic metres or less per year, the person shall collect two samples within 30 days before the application of the material to land and two additional samples within 90 days before the application of the material to land; each sample shall be collected with a minimum interval of two days between the samples collected;	(a) in relation to generators that generate the material at a rate of 250,000 cubic metres or less per year, the person shall collect one sample within 30 days before the application of the material to land and one additional sample within 90 days before the application of the material to land; each sample shall be collected with a minimum interval of two days between the samples collected;
		(b) in relation to generators that generate the material at a rate greater than 250,000 cubic metres per year, the person shall collect no less than two samples per month; each sample shall be collected with a minimum interval of two days between the samples collected.	(b) in relation to generators that generate the material at a rate greater than 250,000 cubic metres per year, the person shall collect no less than one sample per month; each sample shall be collected with a minimum interval of two days between the samples collected.

52. Paragraph 5 of section 99 of the Regulation is revoked and the following substituted:

5. Acting as a broker if,

- i. this Regulation requires the generator of the operation from which the broker receives prescribed materials to have a nutrient management strategy to carry out the operation, or

- ii. this Regulation requires the operation to which the broker transfers the materials to have a nutrient management plan.

53. (1) Subsection 100 (1) of the Regulation is amended by adding “or has alternate qualifications that a Director considers equivalent” at the end.

(2) Clause 100 (4) (b) of the Regulation is revoked and the following substituted:

- (b) has successfully completed a course specified by the Director on preparing nutrient management strategies and plans for agricultural operations or has alternate qualifications that the Director considers equivalent;

54. The following provisions of the Regulation are amended by striking out “previous formal or non-formal training” and substituting “alternate qualifications”:

1. Clause 101 (2) (b).

2. Clause 102 (2) (b).

55. (1) Subsection 103 (2) of the Regulation is amended by striking out “non-agricultural strategy development certificate” and substituting “non-agricultural operation strategy development certificate”.

(2) Clause 103 (3) (b) of the Regulation is revoked and the following substituted:

- (b) has successfully completed a course specified by the Director on preparing nutrient management strategies for non-agricultural operations or has alternate qualifications that the Director considers equivalent; and

56. Section 104 of the Regulation is amended by adding the following subsection:

(1.1) Subsection (1) does not apply to an employee of the Ministry of Agriculture and Food or the Ministry of the Environment who has been appointed for the purpose of reviewing nutrient management strategies or nutrient management plans under Part IV.

57. The following provisions of the Regulation are amended by striking out “previous formal or non-formal training” and substituting “alternate qualifications”:

1. Clause 104 (2) (c).

2. Clause 105 (3) (c).

58. (1) Subsection 106 (1) of the Regulation is revoked and the following substituted:

Broker certificate

(1) On or after December 31, 2005, no person shall act as a broker in a transaction described in subsection (1.1) unless the person holds a broker certificate issued under this section.

(1.1) Subsection (1) applies to a transaction if,

- (a) this Regulation requires the generator of the operation from which the broker in the transaction receives prescribed materials to have a nutrient management strategy to carry out the operation; or
(b) this Regulation requires the operation to which the broker in the transaction transfers the materials to have a nutrient management plan.

(2) The following provisions of the Regulation are amended by striking out “6 (2) (e)” and substituting “6 (2) (c)”:

1. Clause 106 (2) (a).

2. Clause 106 (3) (a).

(3) Clause 106 (2) (b) of the Regulation is amended by striking out “previous formal or non-formal training” and substituting “alternate qualifications”.

59. (1) Subsection 107 (1) of the Regulation is revoked and the following substituted:

Prescribed materials application business licence

(1) On or after December 31, 2005, no person shall engage in the business of applying prescribed materials to the land of a farm unit described in subsection (1.1) unless the person holds a prescribed materials application business licence issued under this section.

(1.1) Subsection (1) applies to a farm unit, for which this Regulation requires the person who owns or controls the agricultural operation, in the course of which the materials are applied to the land of the farm unit, to have a nutrient management plan.

(2) Clause 107 (2) (b) of the Regulation is amended by striking out “previous formal or non-formal training” and substituting “alternate qualifications”.

60. (1) Subsection 108 (1) of the Regulation is revoked and the following substituted:

Nutrient application technician licence

(1) On or after December 31, 2006, no person shall apply materials containing nutrients to land in the course of an agricultural operation described in subsection (1.1) unless the person holds a nutrient application technician licence issued under this section.

(1.1) Subsection (1) applies to an agricultural operation of which the person described in that subsection is not the owner, operator or an employee and for which this Regulation requires the person who owns or controls the operation to have a nutrient management plan.

(2) Clause 108 (2) (b) of the Regulation is amended by striking out "previous formal or non-formal training" and substituting "alternate qualifications".

61. Subsection 110 (2) of the Regulation is amended by adding "and shall keep the report as a record" at the end.
1/04

ONTARIO REGULATION 448/03

made under the

WORKPLACE SAFETY AND INSURANCE ACT, 1997

Made: December 9, 2003
Approved: December 17, 2003
Filed: December 19, 2003

Amending O. Reg. 455/97
(Pension Plan for Board Employees)

Note: Ontario Regulation 455/97 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsections 28 (6) and (7) of Ontario Regulation 455/97 are revoked and the following substituted:

(6) A member whose age, when added to the number of years of his or her continuous membership in the pension plan, totals at least 80 may elect to receive an early retirement pension if the election is made before April 1, 2004.

(7) A member may elect before April 1, 2004 to receive an early retirement pension,

(a) if the member begins a paid leave of absence before March 31, 2004; and

(b) if the member's age, at the end of the paid leave, when added to the number of years of his or her continuous membership in the pension plan at the end of the paid leave, totals at least 80.

Made by:

WORKPLACE SAFETY AND INSURANCE BOARD:

GLEN WRIGHT
Chair and CEO

LINDA ANGOVE
Corporate Secretary

Date made: December 9, 2003.

1/04

ONTARIO REGULATION 449/03

made under the

PLANNING ACT

Made: December 11, 2003

Filed: December 19, 2003

Amending O. Reg. 377/86

(Zoning Areas — Territorial District of Kenora)

Note: Ontario Regulation 377/86 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Section 4 of Ontario Regulation 377/86 is amended by striking out “Lots 1 to 14” and substituting “Lots 1 to 6 and Lots 8 to 14”.

2. The Regulation is amended by adding the following section:

4.1 (1) In this section,

“lot” means a parcel of land described in a deed or other document legally capable of conveying land.

(2) One seasonal dwelling, together with accessory buildings and structures, per lot, is permitted on Lot 7 on Plan 23M-891 registered in the Land Registry Office for the Land Titles Division of Kenora (No. 23) if the following requirements are met:

Minimum lot frontage on Lake of the Woods	44 metres
Minimum lot area	0.6 hectares

Made by:

IAN SMITH

Director

*Northwestern Municipal Services Office
Ministry of Municipal Affairs*

Date made: December 11, 2003.

1/04

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2004—01—10

ONTARIO REGULATION 450/03

made under the

MUNICIPAL ACT, 2001

Made: December 19, 2003

Filed: December 22, 2003

Amending O. Reg. 73/03

(Tax Matters — Special Tax Rates and Limits, 2003 and Later Years)

Note: Ontario Regulation 73/03 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Paragraphs 1 and 2 of subsection 7 (3) of Ontario Regulation 73/03 are revoked and the following substituted:

1. Determine the sum of the general levies for all property classes levied for upper-tier purposes for the previous year under section 311 of the Act or, if the previous year is 2002, under section 366 of the Old Act.
2. Determine the sum of the general levies for all property classes levied for lower-tier purposes for the previous year under section 312 of the Act or, if the previous year is 2002, under section 368 of the Old Act.

2. Subsection 22 (2) of the Regulation is revoked and the following substituted:

(2) Subject to subsection (3), the following properties are deemed to be eligible property for the purposes of section 331 of the Act:

1. A vacant parcel of land that is severed from a larger parcel of land or that is a lot in a subdivided parcel of land, if the taxation year is the first year for which the parcel is included as a separate parcel on the assessment roll.
2. Despite subsection 329 (10) of the Act, property to which section 447.70 of the Old Act or section 331 of the Act applied in the previous year as a result of an assessment made under subsection 34 (2) of the *Assessment Act* or a severance or subdivision, if clause 329 (7) (a) of the Act applies to the property for the taxation year.
3. Property in respect of which an assessment could have been made under section 34 of the *Assessment Act* in the previous year if,
 - i. making the assessment in the previous year would have resulted in the application to the property of clause 447.65 (8) (a) of the Old Act or clause 329 (7) (a) of the Act, and
 - ii. the appropriate change is made on the assessment roll for the taxation year.

(3) None of the following is eligible property for the purposes of section 331 of the Act:

1. Property that would otherwise be eligible property only because of a change in classification from one class in the commercial classes to another class in the commercial classes or from one class in the industrial classes to another class in the industrial classes.
2. A severed parcel that is described in subsection 26 (2), (3) or (4).
3. A severed parcel that fails to satisfy the minimum size requirements for development under the relevant municipal zoning by-law.

(4) In this section,

“commercial classes” means the commercial classes as defined in subsection 308 (1) of the Act;

“industrial classes” means the industrial classes as defined in subsection 308 (1) of the Act.

3. The Regulation is amended by adding the following Part:

PART VI
TAX CAPPING ON CONSOLIDATION OR DIVISION OF PARCELS

Application and interpretation

24. (1) In this Part,

“assessment roll” means the assessment roll under the *Assessment Act*;

“average level of taxation” means, in respect of two or more parcels of land for the previous year, the sum of the taxes for municipal and school purposes imposed on each parcel in the previous year divided by the sum of the taxes that would have been imposed for the previous year on each parcel if Part IX of the Act had not applied;

“consolidated parcel” means a parcel of land included on the assessment roll for the taxation year that was included on the assessment roll for the previous year as two or more separate parcels;

“level of taxation” means, in respect of a parcel of land for a year, the level of taxation for the parcel for the year that would be determined under paragraph 1 of subsection 331 (2) of the Act;

“original parcel” means, in respect of a taxation year, a parcel of land included on the assessment roll for the previous year that is severed or subdivided into two or more parcels of land that are included on the assessment roll for the current taxation year;

“property class” means a property class under the *Assessment Act*;

“separate parcel” means, in respect of a taxation year, a parcel of land included on the assessment roll for the previous year that is included on the assessment roll for the taxation year as part of a consolidated parcel;

“severed parcel” means, in respect of a taxation year, a parcel of land included on the assessment roll for the taxation year that was part of an original parcel included on the assessment roll for the previous year;

“subclass” means subclass of real property as defined in section 1 of the *Assessment Act*.

(2) For the purposes of this Part, the commercial classes, as defined in subsection 308 (1) of the Act, shall be deemed to be a single property class and the industrial classes, as defined in that subsection, shall be deemed to be a single property class.

(3) In this Part, a reference to a provision of the Act listed in Column 1 of the following Table shall be read as a reference to the provision of the Old Act listed in the same row in Column 2 of the Table if the reference is to the application of the provision for the 2002 taxation year:

TABLE

Column 1 — Act	Column 2 — Old Act
Part IX	Part XXII.3
Section 329	section 447.68
Section 330	section 447.69
Section 331	section 447.70
paragraph 1 of subsection 331 (2)	paragraph 1 of subsection 447.70 (2)

Consolidation of parcels, par. 1 of subs. 329 (2) of the Act

25. (1) This section applies to determine, for the purposes of paragraph 1 of subsection 329 (2) of the Act, the amount of taxes for the previous year if two or more parcels of land that were included on the assessment roll for taxation in the previous year are consolidated into one consolidated parcel on the assessment roll for the taxation year.

(2) The amount of the taxes for the previous year for the consolidated parcel is the sum of the taxes for municipal and school purposes levied on the separate parcels for the previous year if the property class in which each separate parcel was included for the previous year and the property class in which the consolidated parcel is included for the taxation year are the same.

(3) Subject to subsection (4), if two or more separate parcels were included in different property classes in the previous year to which Part IX of the Act applied and portions of the consolidated parcel are in the same property classes in the taxation year as the separate parcels, the amount of taxes for the previous year for the portion of the consolidated parcel that is in the same property class for the taxation year as the corresponding separate parcel in the previous year is the amount of taxes for municipal and school purposes levied for the previous year on the separate parcel.

(4) If any of the separate parcels was included in the subclass for vacant land for the previous year and the corresponding portion of the consolidated parcel is included for the taxation year in the subclass for excess land,

(a) the amount of the taxes for the previous year for the portion of the consolidated parcel that is included in the subclass for excess land in the taxation year is the amount of the taxes for municipal and school purposes that was levied on the separate parcel included in the subclass for vacant land for the previous year; and

subclass for excess land in the taxation year is the amount of the taxes for municipal and school purposes that was levied for the previous year on the corresponding separate parcel if it was included in the same property class in the previous year as the portion of the consolidated parcel.

(5) If two or more of the separate parcels were included in the same property class to which Part IX of the Act applied in the previous year but only a portion of the consolidated parcel is included in that property class in the taxation year, the amount of the taxes for the previous year for that portion of the consolidated parcel is the amount determined in the following manner:

1. Determine the average level of taxation of the separate parcels for the previous year.
2. Determine the tax rate levied by the municipality for the previous year on property in the same property class as that portion of the consolidated parcel.
3. Determine the assessment on the portion for the taxation year.
4. Determine the total assessment of the consolidated parcel.
5. Divide the amount determined under paragraph 3 by the amount determined under paragraph 4.
6. Determine the total assessment of the separate parcels for the previous year.
7. Multiply the quotient determined under paragraph 5 by the amount determined under paragraph 6.
8. Multiply the average level of taxation determined under paragraph 1 for the previous year by the tax rate determined under paragraph 2 for the previous year.
9. Multiply the product determined under paragraph 7 by the product determined under paragraph 8.

(6) If two or more of the separate parcels were included in different property classes to which Part IX of the Act applied in the previous year and the consolidated parcel is included in the same property class for the taxation year as one of those separate parcels, the amount of the taxes for municipal and school purposes for the consolidated parcel for the previous year is the amount determined in the following manner:

1. Determine,
 - i. the level of taxation for the previous year of the separate parcel that was included in the same property class in the previous year as the consolidated parcel, if only one separate parcel was in the same property class for the previous year as the consolidated parcel, or
 - ii. the average level of taxation for the previous year of the separate parcels that were included in the same property class in the previous year as the consolidated parcel, if more than one separate parcel was in the same property class for the previous year as the consolidated parcel.
2. Determine the sum of the assessments for the previous year of all of the separate parcels that were in different property classes for the previous year than the consolidated parcel.
3. Determine the tax rate levied by the municipality for the previous year on property in the same property class as the consolidated parcel.
4. Multiply the sum of the assessments determined under paragraph 2 by the tax rate referred to in paragraph 3.
5. Multiply the product determined under paragraph 4 by the lesser of,
 - i. 1.00, and
 - ii. the level of taxation or average level of taxation for the previous year determined under paragraph 1.
6. Add the product determined under paragraph 5 to the taxes determined for the previous year under section 329, 330 or 331 of the Act for all of the separate parcels that were included in the same property class in the previous year as the consolidated parcel.

(7) The amount of taxes for municipal and school purposes of the consolidated parcel for the previous year is the amount determined under subsection (8) if,

- (a) two or more of the separate parcels that were consolidated for the taxation year were included in different property classes for the previous year;
- (b) not all of the separate parcels that were consolidated were included in property classes that were subject to Part IX of the Act for the previous year;
- (c) the consolidated parcel is included in a single property class that is subject to Part IX of the Act for the taxation year; and

- (d) the property class in which the consolidated parcel is included for the taxation year is the same as the property class in which one of the separate parcels was included in the previous year.
- (8) For the purposes of subsection (7), the amount is determined as follows:
 1. Determine,
 - i. the level of taxation for the previous year of the separate parcel that was included in the same property class in the previous year as the consolidated parcel, if only one separate parcel was in the same property class for the previous year as the consolidated parcel, or
 - ii. the average level of taxation for the previous year of the separate parcels that were included in the same property class in the previous year as the consolidated parcel, if more than one separate parcel was in the same property class for the previous year as the consolidated parcel.
 2. Determine the sum of the assessments for the previous year of all separate parcels that were included in property classes that were not subject to Part IX of the Act.
 3. Determine the tax rate levied by the municipality for the previous year on property in the same property class as the consolidated parcel.
 4. Multiply the sum of the assessments determined under paragraph 2 by the tax rate referred to in paragraph 3.
 5. Multiply the product determined under paragraph 4 by the lesser of,
 - i. 1.00, and
 - ii. the level of taxation or average level of taxation for the previous year determined under paragraph 1.
 6. Add the product determined under paragraph 5 to the taxes determined for the previous year under section 329, 330 or 331 of the Act for all of the separate parcels that were in the same property class in the previous year as the consolidated parcel.

Severance or subdivision of land, par. 1 of subs. 329 (2) of the Act

26. (1) This section applies in determining the amount of taxes for the previous year for a severed parcel for the purposes of paragraph 1 of subsection 329 (2) of the Act.

(2) The amount of the taxes for municipal and school purposes for the previous year for a severed parcel that is in the same property class in the taxation year as the property class in which the original parcel was included for the previous year is the amount determined in the following manner, if the original parcel was not included in the previous year in the subclass for vacant land:

1. Determine the taxes for municipal and school purposes for the original parcel for the previous year under section 329, 330 or 331 of the Act.
2. Determine the ratio of the assessment for the taxation year of each severed parcel that is in the same class as the original parcel to the total assessment of the severed parcels for the taxation year.
3. Multiply the amount of taxes determined under paragraph 1 by the ratio determined under paragraph 2.

(3) If a portion of the original parcel was included in the subclass for excess land for the previous year, the taxes for municipal and school purposes for the previous year for a severed parcel that is not in the subclass for vacant land for the taxation year and that is in the same property class as the corresponding portion of the original parcel that was not included in the subclass for excess land for the previous year is the amount of taxes levied on the corresponding portion of the original parcel in the previous year.

(4) If the original parcel contains portions that are in different property classes to which Part IX of the Act applied and the severed parcels are contained in the same property class as a portion of the original parcel, the taxes for municipal and school taxes for the previous year for the severed parcel is the amount of the taxes levied on the corresponding portion of the original parcel.

Portion of parcel in same property class as original parcel

27. (1) The section applies to a portion of a parcel of land if,
 - (a) the parcel of land was in a single property class that was subject to Part IX of the Act in the previous year; and
 - (b) the parcel of land is apportioned into more than one property class for the taxation year and the portion of the parcel is in the same class as the classification of the parcel from the previous taxation year.
- (2) The taxes for the previous year for the portion of the parcel of land shall be determined in the following manner:
 1. Determine the taxes for the original parcel for the previous year under section 329, 330 or 331 of the Act.

for the taxation year to the total assessment of the parcel for the taxation year.

3. Multiply the amount of taxes determined under paragraph 1 by the ratio determined under paragraph 2.

Change in proportions of parcel in different property classes

28. (1) This section applies to a parcel that satisfies the following conditions:

1. Portions of the parcel were included in different property classes for the previous year.
2. Portions of the parcel are included in the same property classes for the taxation year and not in any other property class.
3. The proportion of the assessment of each portion of the parcel in a property class has changed between the previous year and the taxation year.
4. The change in the assessment for each portion of the parcel included in a property class for the taxation year is due only to a change in the proportion of the parcel included in each of the property classes, as a result of a change event described in clause (a) of the definition of "change event" in subsection 34 (2.2) of the *Assessment Act*.

(2) The amount of taxes for municipal and school purposes for the previous year for the purposes of paragraph 1 of subsection 329 (2) of the Act for each portion of the parcel whose assessment increased between the previous year and the taxation year is determined as follows:

1. Determine the amount of taxes that were levied on the portion of the property for the previous year under section 329, 330 or 331 of the Act.
2. Determine the amount of taxes that would have been levied on the portion of the property for the previous year but for the application of Part IX of the Act.
3. Divide the amount determined under paragraph 1 by the amount determined under paragraph 2.
4. Determine the assessment of the portion of the property on the assessment roll for the taxation year.
5. Determine the total assessment of the property on the assessment roll for the taxation year.
6. Divide the amount determined under paragraph 4 by the amount determined under paragraph 5.
7. Multiply the quotient determined under paragraph 6 by the total assessment of the property on the assessment roll for the previous year.
8. Determine the amount of taxes that would have been levied in the previous year on the assessment amount determined under paragraph 7 but for the application of Part IX of the Act.
9. Subtract the amount determined under paragraph 2 from the amount determined under paragraph 8.
10. Multiply the remainder determined under paragraph 9 by the lesser of,
 - i. the quotient determined under paragraph 3, and
 - ii. 1.0.
11. Add the product determined under paragraph 10 to the amount determined under paragraph 1.

(3) The taxes for municipal and school purposes for the previous year for the purposes of paragraph 1 of subsection 329 (2) of the Act for each portion of the parcel whose assessment decreased between the previous year and the taxation year is determined as follows:

1. Determine the assessment of the portion of the property on the assessment roll for the taxation year.
2. Determine the total assessment of the property on the assessment roll for the taxation year.
3. Divide the amount determined under paragraph 1 by the amount determined under paragraph 2.
4. Multiply the quotient determined under paragraph 3 by the total assessment of the property on the assessment roll for the previous year.
5. Determine under section 329, 330 or 331 of the Act the amount of taxes that would have been levied for the previous year on the assessment amount determined under paragraph 4.

Change in tax exempt portion of a parcel

29. (1) This section applies if the portion of a parcel of land that is exempt from taxes for municipal and school purposes changes between the previous year and the taxation year and the change is due only to a change in the proportion of the parcel that is entitled to the exemption.

(2) The amount of taxes for municipal and school purposes for the previous year for the taxable portion of the parcel for the purposes of paragraph 1 of subsection 329 (2) of the Act is determined as follows:

1. If the assessment of the taxable portion of the parcel increased between the previous year and the taxation year, the amount of the taxes for municipal and school purposes for the previous year for that portion is the amount that would be determined in respect of the portion of the parcel under subsection 28 (2).
2. If the assessment of the taxable portion of the parcel decreased between the previous year and the taxation year, the amount of the taxes for municipal and school purposes for the previous year for that portion is the amount that would be determined in respect of the portion of the parcel under subsection 28 (3).

Change in subclass assessment of a property

30. (1) This section applies if,

- (a) the proportion of the assessment on the portion of a property that is in a subclass for excess land, if any, changes between the previous year and the taxation year; and
- (b) the change in the assessment referred to in clause (a) results from the application of municipal requirements for any development on the property.

(2) The amount of taxes for the previous year for the purposes of paragraph 1 of subsection 329 (2) of the Act for the portion of the property that is not in a subclass for excess land is determined as follows:

1. Determine the assessment of the portion of the property that is not in a subclass for excess land for the taxation year.
2. Determine the total assessment of the property for the taxation year.
3. Determine the total assessment of the property for the previous year.
4. Determine the tax rate levied by the municipality for the previous year on the portion of the property not in a subclass for excess land.
5. Determine the level of taxation for the previous year for the property.
6. Divide the amount determined under paragraph 1 by the amount determined under paragraph 2.
7. Multiply together the following:
 - i. the quotient determined under paragraph 6,
 - ii. the amount determined under paragraph 3,
 - iii. the tax rate determined under paragraph 4, and
 - iv. the level of taxation determined under paragraph 5.

(3) The amount of taxes for the previous year for the purposes of paragraph 1 of subsection 329 (2) of the Act for the portion of the property that is in a subclass for excess land is determined as follows:

1. Determine the assessment of the portion of the property that is in a subclass for excess land for the taxation year.
2. Determine the total assessment of the property for the taxation year.
3. Determine the total assessment of the property for the previous year.
4. Determine the applicable tax rate in the municipality for the previous year for the subclass for excess land.
5. Determine the level of taxation for the previous year on the property.
6. Divide the amount determined under paragraph 1 by the amount determined under paragraph 2.
7. Multiply together the following:
 - i. the quotient determined under paragraph 6,
 - ii. the amount determined under paragraph 3,
 - iii. the tax rate determined under paragraph 4, and
 - iv. the level of taxation determined under paragraph 5.

Mid-year demolition, etc.

31. (1) For the purposes of clause 357 (1) (b) of the Act, the recalculation of taxes for the taxation year shall include a reduction determined as follows:

1. If paragraph 2 does not apply, the reduction is,

commercial classes, or

ii. 35 per cent of the taxes otherwise determined for the current taxation year, if the property was included in the industrial classes.

2. If a by-law was passed under subsection 313 (4) of the Act that sets out a percentage of taxes between 30 and 35 per cent, the reduction is that percentage of the taxes.

(2) Paragraph 5 of subsection 329 (2) of the Act applies to a property even if the owner of the property was entitled to but failed to make an application to the council of the municipality under clause 357 (1) (a), (b), (d) or (f) or section 358 of the Act for a cancellation, reduction or refund of taxes for the previous year, but only if the appropriate change is made to the assessment of the property on the assessment roll, as returned, for the taxation year.

Comparable property for purposes of s. 331 of the Act

32. If subsection 328 (2) of the Act applies for the taxation year to a property that is identified as a comparable property under section 331 of the Act, the amount of taxes for municipal and school purposes that would have been imposed for the taxation year on the comparable property but for the application of Part IX of the Act, as determined for the purposes of paragraph 1 of subsection 331 (2) of the Act, shall be increased to the taxes for municipal and school purposes that would have been imposed for the taxation year but for the application of subsection 328 (2) of the Act.

Made by:

GREGORY SORBARA
Minister of Finance

Date made: December 19, 2003.

2/04

ONTARIO REGULATION 451/03

made under the

WASTE DIVERSION ACT, 2002

Made: December 22, 2003
Filed: December 22, 2003

Amending O. Reg. 273/02
(Blue Box Waste)

Note: Ontario Regulation 273/02 has not previously been amended.

1. Ontario Regulation 273/02 is amended by adding the following section:

Industry funding organization

2. (1) The corporation named Stewardship Ontario is continued and is designated as the industry funding organization for the waste diversion program for blue box waste approved by the Minister under section 26 of the Act.

(2) Stewardship Ontario is composed of the members of its board of directors.

(3) The board of directors shall be composed of the following members:

1. One member appointed by the Canadian Council of Grocery Distributors.
2. One member appointed by the Canadian Newspaper Association.
3. One member appointed by the Food and Consumer Products Manufacturers of Canada.
4. One member appointed by the Liquor Control Board of Ontario.
5. One member appointed by Refreshments Canada.

6. One member appointed by the Retail Council of Canada.
7. One member appointed jointly by the Canadian Paint and Coatings Association and the Canadian Consumer Specialty Products Association.
8. The chief executive officer of Stewardship Ontario.

(4) Each member of the board of directors, other than the chief executive officer of Stewardship Ontario, may appoint an alternate who, in his or her absence, may participate in board meetings and vote on matters before the board.

Made by:

LEONA DOMBROWSKY
Minister of the Environment

Date made: December 22, 2003.

2/04

ONTARIO REGULATION 452/03
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: December 17, 2003
Filed: December 23, 2003

Amending O. Reg. 339/02
(Electricity Pricing)

Note: Ontario Regulation 339/02 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. (1) Subsection 3.2.2 (1) of Ontario Regulation 339/02 is amended by striking out “as required by section 3.2.1” and substituting “as required by section 3.2.1 or 3.2.2.1”.

(2) Subsection 3.2.2 (3) of the Regulation is amended by striking out “under section 3.2.1” and substituting “under section 3.2.1 or 3.2.2.1”.

(3) Subsection 3.2.2 (4) of the Regulation is amended by striking out “under section 3.2.1” and substituting “under section 3.2.1 or 3.2.2.1”.

(4) Subsection 3.2.2 (5) of the Regulation is amended by striking out “under section 3.2.1” and substituting “under section 3.2.1 or 3.2.2.1”.

2. The Regulation is amended by adding the following section:

Obligation to make payments under s. 79.1 (16) of the Act

3.2.2.1 (1) For the purposes of subsection 79.1 (16) of the Act, a distributor shall make a payment to a consumer who,

- (a) had an account with the distributor at any time between May 1, 2002 and November 24, 2002;
- (b) was charged by the distributor as a general service customer;
- (c) either,

- (i) had a monthly demand of 50 kilowatts or less, or
- (ii) annually used not more than 250,000 kilowatt hours of electricity;

- (d) did not have an account with any distributor or a contract with any retailer licensed under Part V of the Act on November 25, 2002 and can so satisfy the distributor; and

- November 25, 2002 and has not received any payment under Part V, other than a payment under this section.
- (2) For the purposes of subsection 79.1 (16) of the Act, a retailer shall make a payment to a consumer who,
- (a) had a contract with the retailer at any time between May 1, 2002 and November 24, 2002 where the retailer billed the consumer under retailer consolidated billing;
- (b) was charged as a general service customer;
- (c) either,
- (i) had a monthly demand of 50 kilowatts or less, or
- (ii) annually not more than 250,000 kilowatt hours of electricity;
- (d) did not have an account with any distributor or a contract with any retailer licensed under Part V of the Act on November 25, 2002 and can so satisfy the retailer; and
- (e) was not eligible for treatment as a low-volume consumer or a designated consumer under the Act or this Regulation on November 25, 2002 and has not received any payment under Part V of the Act, other than a payment under this section.
- (3) A consumer shall make a request for a payment under subsection (1) or (2) by March 31, 2004.
- (4) The amount of the payment to the consumer under subsections (1) and (2) shall be calculated in accordance with section 3.2.2.

2/04

ONTARIO REGULATION 453/03

made under the

ONTARIO ENERGY BOARD ACT, 1998

Made: December 17, 2003

Filed: December 23, 2003

Amending O. Reg. 341/02

(Payments re Sections 79.1 and 79.2 of the Act)

Note: Ontario Regulation 341/02 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Section 14.1 of Ontario Regulation 341/02 is revoked and the following substituted:

Definition, ss. 14.2 to 14.5

14.1 In sections 14.2 to 14.5,

“entitled consumer” means a consumer entitled to a payment under subsection 79.1 (16) of the Act by virtue of section 3.2.1 or 3.2.2.1 of Ontario Regulation 339/02 (Electricity Pricing).

2/04

ONTARIO REGULATION 454/03

made under the

ELECTRICITY ACT, 1998

Made: December 17, 2003

Filed: December 23, 2003

Amending O. Reg. 199/02

(Hydro One Inc.)

Note: Ontario Regulation 199/02 has not previously been amended.

- 1. Paragraph 2 of section 1 of Ontario Regulation 199/02 is revoked.**

2/04

ONTARIO REGULATION 455/03

made under the

ARTHUR WISHART ACT (FRANCHISE DISCLOSURE), 2000

Made: December 22, 2003

Filed: December 23, 2003

Amending O. Reg. 9/01

(Exemption of Franchisors under Subsection 13 (1) of the Act)

Note: Ontario Regulation 9/01 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

- 1. Section 1 of Ontario Regulation 9/01 is amended by adding the following items:**

Giant Tiger Stores Limited

Volvo Trucks Canada Inc.

Mack Canada Inc.

Made by:

JIM WATSON

Minister of Consumer and Business Services

Date made: December 22, 2003.

2/04

made under the
ONTARIO WORKS ACT, 1997

Made: December 23, 2003
Filed: December 24, 2003

Amending O. Reg. 134/98
(General)

Note: Ontario Regulation 134/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsection 35 (1) of Ontario Regulation 134/98 is amended by striking out “section 32, 33, 34 or 36” and substituting “section 32, 33 or 34”.

2. Sections 36 and 36.1 of the Regulation are revoked.

3. Subsection 56 (4) of the Regulation is revoked and the following substituted:

(4) Emergency assistance shall not be provided to or on behalf of a person subject to a period of ineligibility for income assistance under section 32, 33, 34 or 35 or for income support under section 23 or 24 of Ontario Regulation 222/98 (General) made under the *Ontario Disability Support Program Act, 1997*.

RÈGLEMENT DE L'ONTARIO 456/03

pris en application de la

LOI DE 1997 SUR LE PROGRAMME ONTARIO AU TRAVAIL

pris le 23 décembre 2003
déposé le 24 décembre 2003

modifiant le Règl. de l'Ont. 134/98
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 134/98 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 35 (1) du Règlement de l'Ontario 134/98 est modifié par substitution de «l'article 32, 33 ou 34» à «l'article 32, 33, 34 ou 36».

2. Les articles 36 et 36.1 du Règlement sont abrogés.

3. Le paragraphe 56 (4) du Règlement est abrogé et remplacé par ce qui suit :

(4) L'aide en cas d'urgence ne doit pas être fournie à une personne, ou au nom d'une personne, qui fait l'objet d'une période de non-admissibilité à l'aide au revenu aux termes de l'article 32, 33, 34 ou 35 ou au soutien du revenu aux termes de l'article 23 ou 24 du Règlement de l'Ontario 222/98 (Dispositions générales) pris en application de la *Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées*.

ONTARIO REGULATION 457/03

made under the

ONTARIO DISABILITY SUPPORT PROGRAM ACT, 1997

Made: December 23, 2003

Filed: December 24, 2003

Amending O. Reg. 222/98
(General)

Note: Ontario Regulation 222/98 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsection 23 (1) of Ontario Regulation 222/98 is amended by striking out “in section 24 or 25” and substituting “in section 24”.

2. Sections 25 and 25.1 of the Regulation are revoked.

RÈGLEMENT DE L'ONTARIO 457/03

pris en application de la

LOI DE 1997 SUR LE PROGRAMME ONTARIEN DE SOUTIEN AUX PERSONNES HANDICAPÉES

pris le 23 décembre 2003
déposé le 24 décembre 2003

modifiant le Règl. de l'Ont. 222/98
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 222/98 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 23 (1) du Règlement de l'Ontario 222/98 est modifié par substitution de «l'article 24» à «l'article 24 ou 25».

2. Les articles 25 et 25.1 du Règlement sont abrogés.

2/04

ONTARIO REGULATION 458/03

made under the

INSURANCE ACT

Made: December 23, 2003

Filed: December 24, 2003

Amending O. Reg. 403/96
(Statutory Accident Benefits Schedule — Accidents on or after November 1, 1996)

Note: Ontario Regulation 403/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Subsection 2 (1) of Ontario Regulation 403/96 is amended by adding the following definitions:

for Whiplash Associated Disorder Grade I Injuries With or Without Complaint of Back Symptoms; (“lignes directrices pour les entorses cervicales de stade I”)

“Grade II Whiplash Guideline” means the Pre-approved Framework Guideline entitled Pre-approved Framework Guideline for Whiplash Associated Disorder Grade II Injuries With or Without Complaint of Back Symptoms; (“lignes directrices pour les entorses cervicales de stade II”)

2. Section 4 of the Regulation is amended by adding the following subsection:

(2) Despite subsection (1), paragraph 3 of that subsection applies only if the accident occurs before April 15, 2004.

3. Subsection 5 (2) of the Regulation is amended by striking out “or” at the end of clause (b) and by adding the following clauses:

(d) for any period longer than 12 weeks after the accident, in the case of an insured person whose impairment comes within the *Grade I Whiplash Guideline*, if the accident occurred after April 14, 2004; or

(e) for any period longer than 16 weeks after the accident, in the case of an insured person whose impairment comes within the *Grade II Whiplash Guideline*, if the accident occurred after April 14, 2004.

4. Subsection 14 (6) of the Regulation is revoked and the following substituted:

(6) The insurer is not liable to pay a medical benefit under clause (2) (g) for expenses related to,

(a) the first 50 kilometres of transportation in the insured person’s automobile to and from a treatment session if the accident occurred before April 15, 2004; or

(b) the first 50 kilometres of transportation to and from a treatment session if the accident occurred after April 14, 2004, unless the insured person sustained a catastrophic impairment as a result of the accident.

5. Subsection 15 (12) of the Regulation is revoked and the following substituted:

(12) The insurer is not liable to pay a rehabilitation benefit under clause (5) (k) for expenses related to,

(a) the first 50 kilometres of transportation in the insured person’s automobile to and from a counselling or training session if the accident occurred before April 15, 2004; or

(b) the first 50 kilometres of transportation to and from a counselling or training session if the accident occurred after April 14, 2004, unless the insured person sustained a catastrophic impairment as a result of the accident.

6. (1) Section 16 of the Regulation is amended by adding the following subsection:

(1.1) Despite subsection (1), no attendant care benefit is payable to an insured person whose impairment comes within the *Grade I Whiplash Guideline* or the *Grade II Whiplash Guideline* if the accident occurred after April 14, 2004.

(2) Paragraph 3 of subsection 16 (5) of the Regulation is revoked and the following substituted:

3. If the accident occurred on or after October 1, 2003 and the optional medical, rehabilitation and attendant care benefit referred to in section 27 has been purchased and applies to the insured person, the amount of the attendant care benefit payable in respect of the insured person shall not exceed the monthly limit under subsection 27 (5).

7. Subsections 19 (2) and (3) of the Regulation are revoked and the following substituted:

(2) The amount of the attendant care benefit paid in respect of an insured person shall not exceed, for any one accident,

(a) \$1,000,000, if the insured person sustained a catastrophic impairment as a result of the accident;

(b) nil, if the accident occurred after April 14, 2004 and the insured person sustained an impairment that comes within the *Grade I Whiplash Guideline* or the *Grade II Whiplash Guideline*; or

(c) \$72,000 in any other case.

(3) If the optional medical, rehabilitation and attendant care benefit referred to in section 27 was purchased and applies to the insured person, the maximum limits fixed by the optional benefit apply and subsection (1) and clauses (2) (a) and (c) do not apply.

8. Subsection 24 (4) of the Regulation is revoked and the following substituted:

(4) The insurer is not liable under subsection (1.6) to pay for expenses related to,

(a) the first 50 kilometres of transportation in the insured person’s automobile to and from an examination or assessment if the examination or assessment relates to an accident that occurred before April 15, 2004; or

(b) the first 50 kilometres of transportation to and from an examination or assessment if the examination or assessment relates to an accident that occurred after April 14, 2004, unless the insured person sustained a catastrophic impairment as a result of the accident.

9. (1) Subparagraph 3 ii of subsection 27 (1) of the Regulation is revoked and the following substituted:

- ii. The amount of the attendant care benefit paid in respect of an insured person shall not exceed, for any one accident,
 - A. \$2,000,000, if the insured person sustained a catastrophic impairment as a result of the accident,
 - B. \$1,072,000 in any case in which the insured person did not sustain as a result of the accident,
 - 1. a catastrophic impairment, or
 - 2. an impairment that comes within the *Grade I Whiplash Guideline* or the *Grade II Whiplash Guideline*, if the accident occurred after April 14, 2004, or
 - C. nil, if the accident occurred after April 14, 2004 and the insured person sustained an impairment that comes within the *Grade I Whiplash Guideline* or the *Grade II Whiplash Guideline*.

(2) Subsection 27 (5) of the Regulation is revoked and the following substituted:

(5) The maximum monthly attendant care benefit payable in respect of an insured person shall not exceed \$6,000 if the benefit is payable in respect of an accident that occurs on or after October 1, 2003.

10. Section 37 of the Regulation is amended by adding the following subsection:

(5.1) Paragraphs 2 and 3 of subsection (3) and subsections (4) and (5) do not apply if,

- (a) the notice under clause (1) (b) relates to the entitlement of the person to receive an income replacement benefit; and
- (b) the notice is given for the reason that the person is not entitled to continue to receive the benefit because the period during which the benefit is payable is limited by clause 5 (2) (d) or (e).

11. Part XIV of the Regulation is amended by adding the following section:

UNREPORTED INCOME

64.1 (1) If, under the *Income Tax Act* (Canada) or legislation of another jurisdiction that imposes a tax calculated by reference to income, a person is required to report the amount of his or her income, the person's income before an accident that occurs after April 14, 2004 shall be determined for the purposes of this Regulation without reference to any income the person has failed to report contrary to that Act or legislation.

(2) Where the amount of a person's income before an accident is determined for the purposes of this Regulation in accordance with subsection (1), the amount of the income may be adjusted to reflect any change in the amount of the person's income reported or determined in accordance with the *Income Tax Act* (Canada) or legislation of another jurisdiction that imposes a tax calculated by reference to income.

12. Subsections 68 (3) and (5) are amended by striking out "certified mail or registered mail" wherever it appears.

RÈGLEMENT DE L'ONTARIO 458/03

pris en application de la

LOI SUR LES ASSURANCES

pris le 23 décembre 2003
déposé le 24 décembre 2003

modifiant le Règl. de l'Ont. 403/96

(Annexe sur les indemnités d'accident légales — accidents survenus le 1^{er} novembre 1996 ou après ce jour)

Remarque : Le Règlement de l'Ontario 403/96 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements (historique législatif) qui se trouve sur le site www.lois-en-ligne.gouv.on.ca.

1. Le paragraphe 2 (1) du Règlement de l'Ontario 403/96 est modifié par adjonction des définitions suivantes :

«lignes directrices pour les entorses cervicales de stade I» La directive relative à un cadre de traitement préapprouvé intitulée *Lignes directrices pré-autorisées pour les blessures associées à une entorse cervicale de stade I avec ou sans douleur dorsale*. («*Grade I Whiplash Guideline*»)

Lignes directrices pré-approuvées pour les entorses cervicales de stade I ou les entorses cervicales de stade II dorsale. («Grade II Whiplash Guideline»)

2. L'article 4 du Règlement est modifié par adjonction du paragraphe suivant :

(2) Malgré le paragraphe (1), la disposition 3 de ce paragraphe ne s'applique que si l'accident survient avant le 15 avril 2004.

3. Le paragraphe 5 (2) du Règlement est modifié par adjonction des alinéas suivants :

- d) ni pour plus de 12 semaines après l'accident, dans le cas de la personne assurée dont la déficience est visée par les lignes directrices pour les entorses cervicales de stade I, si l'accident est survenu après le 14 avril 2004;
- e) ni pour plus de 16 semaines après l'accident, dans le cas de la personne assurée dont la déficience est visée par les lignes directrices pour les entorses cervicales de stade II, si l'accident est survenu après le 14 avril 2004.

4. Le paragraphe 14 (6) du Règlement est abrogé et remplacé par ce qui suit :

- (6) L'assureur n'est pas tenu de verser une indemnité pour frais médicaux aux termes de l'alinéa (2) g) pour les frais liés :
- a) soit aux 50 premiers kilomètres de transport aller-retour, dans l'automobile de la personne assurée, aux fins d'une séance de traitement, si l'accident est survenu avant le 15 avril 2004;
 - b) soit aux 50 premiers kilomètres de transport aller-retour aux fins d'une séance de traitement si l'accident est survenu après le 14 avril 2004, sauf si la personne assurée souffre d'une déficience invalidante à la suite de l'accident.

5. Le paragraphe 15 (12) du Règlement est abrogé et remplacé par ce qui suit :

- (12) L'assureur n'est pas tenu de verser une indemnité de réadaptation aux termes de l'alinéa (5) k) pour les frais liés :
- a) soit aux 50 premiers kilomètres de transport aller-retour, dans l'automobile de la personne assurée, aux fins d'une séance de consultation ou de formation, si l'accident est survenu avant le 15 avril 2004;
 - b) soit aux 50 premiers kilomètres de transport aller-retour aux fins d'une séance de consultation ou de formation si l'accident est survenu après le 14 avril 2004, sauf si la personne assurée souffre d'une déficience invalidante à la suite de l'accident.

6. (1) L'article 16 du Règlement est modifié par adjonction du paragraphe suivant :

(1.1) Malgré le paragraphe (1), aucune indemnité de soins auxiliaires n'est payable à la personne assurée dont la déficience est visée par les lignes directrices pour les entorses cervicales de stade I ou les lignes directrices pour les entorses cervicales de stade II si l'accident est survenu après le 14 avril 2004.

(2) La disposition 3 du paragraphe 16 (5) du Règlement est abrogée et remplacée par ce qui suit :

- 3. Si l'accident est survenu le 1^{er} octobre 2003 ou après cette date et que l'indemnité optionnelle pour frais médicaux, de réadaptation et de soins auxiliaires visée à l'article 27 a été souscrite et vise la personne assurée, le montant de l'indemnité de soins auxiliaires payable à son égard ne doit pas être supérieur au plafond mensuel prévu au paragraphe 27 (5).

7. Les paragraphes 19 (2) et (3) du Règlement sont abrogés et remplacés par ce qui suit :

(2) Le montant de l'indemnité de soins auxiliaires versée à l'égard de la personne assurée ne doit pas être supérieur, pour un même accident :

- a) à 1 000 000 \$, si la personne souffre d'une déficience invalidante à la suite de l'accident;
- b) à zéro, si l'accident est survenu après le 14 avril 2004 et que la personne souffre d'une déficience visée par les lignes directrices pour les entorses cervicales de stade I ou les lignes directrices pour les entorses cervicales de stade II;
- c) à 72 000 \$, dans tous les autres cas.

(3) Si l'indemnité optionnelle pour frais médicaux, de réadaptation et de soins auxiliaires visée à l'article 27 a été souscrite et qu'elle vise la personne assurée, les plafonds qu'elle fixe s'appliquent alors au lieu du paragraphe (1) et des alinéas (2) a) et c).

8. Le paragraphe 24 (4) du Règlement est abrogé et remplacé par ce qui suit :

(4) L'assureur n'est pas tenu, aux termes du paragraphe (1.6), de payer les frais liés :

- a) soit aux 50 premiers kilomètres de transport aller-retour, dans l'automobile de la personne assurée, aux fins d'un examen ou d'une évaluation qui se rapporte à un accident survenu avant le 15 avril 2004;
- b) soit aux 50 premiers kilomètres de transport aller-retour aux fins d'un examen ou d'une évaluation qui se rapporte à un accident survenu après le 14 avril 2004, sauf si la personne assurée souffre d'une déficience invalidante à la suite de l'accident.

9. (1) La sous-disposition 3 ii du paragraphe 27 (1) du Règlement est abrogée et remplacée par ce qui suit :

ii. Le montant de l'indemnité de soins auxiliaires versée à l'égard de la personne assurée ne doit pas être supérieur, pour un même accident :

- A. à 2 000 000 \$, si la personne assurée souffre d'une déficience invalidante à la suite de l'accident,
- B. à 1 072 000 \$, dans tous les cas où la personne assurée ne souffre, pas à la suite de l'accident :
 - 1. soit d'une déficience invalidante,
 - 2. soit d'une déficience visée par les lignes directrices pour les entorses cervicales de stade I ou les lignes directrices pour les entorses cervicales de stade II, si l'accident est survenu après le 14 avril 2004,
- C. à zéro, si l'accident est survenu après le 14 avril 2004 et que la personne assurée souffre d'une déficience visée par les lignes directrices pour les entorses cervicales de stade I ou les lignes directrices pour les entorses cervicales de stade II.

(2) Le paragraphe 27 (5) du Règlement est abrogé et remplacé par ce qui suit :

(5) L'indemnité de soins auxiliaires maximale payable mensuellement à l'égard de la personne assurée ne doit pas être supérieure à 6 000 \$ si elle est payable à l'égard d'un accident qui est survenu le 1^{er} octobre 2003 ou après cette date.

10. L'article 37 du Règlement est modifié par adjonction du paragraphe suivant :

(5.1) Les dispositions 2 et 3 du paragraphe (3) et les paragraphes (4) et (5) ne s'appliquent pas si :

- a) d'une part, l'avis visé à l'alinéa (1) b) se rapporte au droit de la personne à une indemnité de remplacement de revenu;
- b) d'autre part, l'avis est donné pour le motif que la personne n'a plus le droit de continuer à recevoir l'indemnité parce que la période pendant laquelle elle est payable est limitée par l'alinéa 5 (2) d) ou e).

11. La partie XIV du Règlement est modifiée par adjonction de l'article suivant :

REVENU NON DÉCLARÉ

64.1 (1) Si une personne est tenue de déclarer son revenu en application de la *Loi de l'impôt sur le revenu* (Canada) ou de la législation d'un autre ressort qui établit un impôt calculé en fonction du revenu, son revenu avant un accident qui survient après le 14 avril 2004 est calculé pour l'application du présent règlement sans tenir compte de tout revenu qu'elle n'a pas déclaré contrairement aux exigences de cette législation.

(2) Le revenu d'une personne avant un accident qui est calculé pour l'application du présent règlement conformément au paragraphe (1) peut être rajusté en fonction de tout changement de son revenu déclaré ou calculé conformément à la *Loi de l'impôt sur le revenu* (Canada) ou de la législation d'un autre ressort qui établit un impôt calculé en fonction du revenu.

12. Les paragraphes 68 (3) et (5) du Règlement sont modifiés par suppression de « par courrier certifié ou par courrier recommandé » partout où figurent ces mots.

2/04

ONTARIO REGULATION 459/03

made under the

INSURANCE ACT

Made: December 23, 2003

Filed: December 24, 2003

Amending Reg. 664 of R.R.O. 1990

(Automobile Insurance)

Note: Regulation 664 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at www.e-laws.gov.on.ca.

1. Section 14.1 of Regulation 664 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

system in classifying risks for loss or damage to an

1. A deductible of \$300 for contracts issued or renewed before April 15, 2004, unless the contract provides for a different amount.
 2. For collision or upset coverage, as referred to in the standard policy forms approved by the Superintendent under subsection 227 (5) of the Act, a deductible of \$500 for contracts issued or renewed on or after April 15, 2004, unless the contract provides for a different amount.
 3. For comprehensive coverage, as referred to in the standard policy forms approved by the Superintendent under subsection 227 (5) of the Act, a deductible of \$300 for contracts issued or renewed on or after April 15, 2004, unless the contract provides for a different amount.
- (2) Insurers shall use the following element in their risk classification systems in classifying risks for damage to an automobile or its contents or loss of its use:
1. \$300 as the amount of the reduction referred to in clause 263 (5.1) (b) of the Act, for contracts issued or renewed on or after April 15, 2004, unless the contract provides for a different amount.

2/04

NOTE: The Table of Regulations (Legislative History) and other tables related to regulations can be found at the e-Laws web site (www.e-laws.gov.on.ca) under Tables. Consolidated regulations may also be found at that site under Consolidated Law.

REMARQUE : On trouve la Table des règlements (historique législatif) et d'autres tables liées aux règlements sur le site Web Lois-en-ligne (www.lois-en-ligne.gouv.on.ca) en cliquant sur «Tables». On y trouve également les règlements codifiés sous la rubrique «Textes législatifs codifiés».

